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OF THE

SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA

FIRST SESSION
1983

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OFFICERS AND MEMBERS
OF
THE SENATE OF NORTH CAROLINA
1983 GENERAL ASSEMBLY
FIRST SESSION 1983

JAMES C. GREEN, President ..... Clarkton
W. CRAIG LAWING, President Pro Tempore ..... Charlotte
KENNETH C. ROYALL, JR., Majority Leader ..... Durham
SYLVIA M. FINK, Principal Clerk ..... Raleigh
LEROY CLARK, JR., Reading Clerk ..... Wendell
GERDA B. PLEASANTS, Sergeant-at-Arms ..... Cary

DISTRICT	NAME OF SENATOR	ADDRESS
1	MELVIN R. DANIELS	Elizabeth City
2	J. J. HARRINGTON	Lewiston
3	JOSEPH E. THOMAS	Vanceboro
4	A. D. GUY	Jacksonville
5	HAROLD W. HARDISON	Deep Run
6	JULIAN R. ALLSBROOK	Roanoke Rapids
7	J. A. WRIGHT	Wilmington
8	HENSON P. BARNES	Goldsboro
9	VERNON E. WHITE	Winterville
10	DALLAS L. ALFORD, JR.	Rocky Mount
11	JAMES D. SPEED	Louisburg
12	ANTHONY E. RAND	Fayetteville
	LURA TALLY	Fayetteville
13	KENNETH C. ROYALL, JR.	Durham
	WILLIAM G. HANOCK, JR.	Durham
14	JOSEPH E. JOHNSON	Raleigh
	WILMA C. WOODARD	Garner
	WILLIAM W. STATON	Sanford
15	ROBERT D. WARREN	Benson
16	WANDA HUNT	Pinehurst
	RUSSELL WALKER	Asheboro
17	ROBERT B. JORDAN III	Mt. Gilead
	AARON W. PLYLER	Monroe
18	R. C. SOLES, JR.	Tabor City
19	ELTON EDWARDS	Greensboro
20	RICHARD W. BARNES	Winston-Salem
	MARVIN WARD	Winston-Salem
21	CARY ALLRED	Burlington
22	CECIL ROSS JENKINS, JR.	Kannapolis
	W. CRAIG LAWING	Charlotte
	KENNETH R. HARRIS	Charlotte
	BENJAMIN T. TISON	Charlotte
23	JACK CHILDERS	Lexington
	ROBERT M. DAVIS	Salisbury
24	CONRAD R. DUNCAN, JR.	Stoneville
	GEORGE W. MARION, JR.	Dobson
25	OLLIE HARRIS	Kings Mountain
	HELEN RHYNE MARVIN	Gastonia
	MARSHALL A. RAUCH	Gastonia
26	T. CASS BALLENGER	Hickory
	WILLIAM W. REDMAN, JR.	Statesville
27	JAMES H. EDWARDS	Hickory
	DONALD R. KINCAID	Lenoir
28	ROBERT S. SWAIN	Asheville
	DENNIS WINNER	Asheville
29	CHARLES W. HIPPS	Waynesville
	R. P. THOMAS	Hendersonville
30	DAVID RUSSELL PARNELL	Parkton
31	WILLIAM N. MARTIN	Greensboro
32	RACHEL G. GRAY	High Point

OFFICERS AND MEMBERS

OF

THE SENATE OF NORTH CAROLINA

1983 GENERAL ASSEMBLY

FIRST SESSION 1983

SENATE JOURNAL
FIRST SESSION 1983

FIRST DAY

SENATE CHAMBER,
Wednesday, January 12, 1983.

In accordance with law, as set forth in the Constitution of the State of North Carolina and G. S. 120-11.1, the Senate of the General Assembly of North Carolina assembles this day, at the hour of 12 M., in the Senate Chamber of the Legislative Building in the City of Raleigh.

The Honorable James C. Green, Lieutenant Governor, calls the Senate to order.

Prayer is offered by the Reverend William E. Link, Pastor of Clarkton Presbyterian Church, Clarkton, North Carolina, as follows:

"Almighty God, Thou who hast made all things, we praise Thy Name today acknowledging that Thou are the Sovereign Ruler over us all.

"Lord, as we begin the new session of this legislative body, we would come to Thee. These are men and women who have given of themselves, their talents, their abilities, their time, for the good of others. We pray that in governing they may have undividing patience, enduring strength, unlimited wisdom, compassionate hearts and genuine desire to serve.

"Grant them the inspiration and guidance of Thy Holy Spirit. When finally their work is done give them the joy of accomplishment and the feeling of having served well. Amen."

Led by the Lieutenant Governor, the Senators-elect, and distinguished guests remain standing, and pledge their allegiance to the United States of America.

The Chair directs the Reading Clerk of the 1981 Session to call the roll and the following Senators-elect appear with the proper certificates of election:

First District	Melvin R. Daniels, Jr.
Second District	J. J. (Monk) Harrington
Third District	Joseph E. (Joe) Thomas
Fourth District	A. D. Guy
Fifth District	Harold W. Hardison
Sixth District	Julian R. Allsbrook
Seventh District	J. A. (Chip) Wright
Eighth District	Henson P. Barnes
Ninth District	Vernon E. White
Tenth District	Dallas L. Alford, Jr.

Eleventh District	James D. Speed
Twelfth District	Anthony E. (Tony) Rand Lura Tally
Thirteenth District	Kenneth C. Royall, Jr. William G. Hancock, Jr.
Fourteenth District	Joseph E. (Joe) Johnson Wilma C. Woodard William W. Staton
Fifteenth District	Robert D. (Bob) Warren
Sixteenth District	Wanda Hunt Russell Walker
Seventeenth District	Robert B. (Bob) Jordan III Aaron W. Plyler
Eighteenth District	R. C. Soles, Jr.
Nineteenth District	Elton Edwards
Twentieth District	Richard W. (Dick) Barnes Marvin Ward
Twenty-first District	Cary Allred
Twenty-second District	Cecil Ross Jenkins, Jr. W. Craig Lawing Benjamin T. (Ben) Tison Kenneth R. Harris
Twenty-third District	Jack Childers Robert M. (Bob) Davis
Twenty-fourth District	Conrad R. Duncan, Jr. George W. Marion, Jr.
Twenty-fifth District	Ollie Harris Helen Rhyne Marvin Marshall A. Rauch
Twenty-sixth District	T. Cass Ballenger William W. (Bill) Redman, Jr.
Twenty-seventh District	James H. (Jim) Edwards Donald R. Kincaid
Twenty-eighth District	Robert S. Swain Dennis Winner
Twenty-ninth District	Charles W. Hipps R. P. (Bo) Thomas
Thirtieth District	David Russell Parnell

Thirty-first District William N. (Bill) Martin

Thirty-second District Rachel G. Gray

Those present take and subscribe to the following oath of office, which is administered by the Honorable Joseph Branch, Chief Justice of the Supreme Court of North Carolina:

"I do solemnly swear or affirm that I will support and maintain the Constitution and laws of the United States; and I do solemnly and sincerely swear or affirm that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government therof; and that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear or affirm that I will faithfully discharge my duties as a member of the Senate of the 1983 General Assembly of the State of North Carolina to the best of my skill and ability, according to law, so help me, God."

To which oath each Senator answers, "I do."

The President declares that a quorum of the Senate is present.

The President extends courtesies of the floor to the Honorable Joseph Branch, Chief Justice of the Supreme Court of North Carolina, and the Honorable J. William Copeland, Associate Justice of the Supreme Court of North Carolina.

The President extends courtesies of the floor to the Honorable Cecil J. Hill, Judge, North Carolina Court of Appeals and former Senator from Transylvania County; and to the Honorable Willis P. Whichard, Judge, North Carolina Court of Appeals and former Senator from Durham County.

The President extends courtesies of the floor to the Honorable Susie M. Sharp, former Chief Justice of the Supreme Court of North Carolina and to the Honorable William H. Bobbitt, former Chief Justice of the Supreme Court of North Carolina.

On motion of Senator Lawing, courtesies of the floor are extended to Mrs. Alice Green, wife of Lieutenant Governor James C. Green, and to Mrs. Julia Royall, wife of Senate Majority Leader, Kenneth C. Royall, Jr.

The President extends courtesies of the foor and the gallery to the families, friends, and guests of the Senators.

REMARKS BY LIEUTENANT GOVERNOR JAMES C. GREEN

"Good afternoon. It is a very great pleasure for me to open this 135th Session of the North Carolina Senate. To the new members, allow me to say, 'Welcome.' To the old members, 'Welcome back.'

"Just over two months ago, we witnessed the sight of North Carolinians exercising their most precious right, and indeed, their heaviest responsibility: that of voting. We had the privilege of watching democracy in action. We had the privilege of watching millions of our fellow citizens walk right up to the polling place, take their ballot, and go into a private booth to cast it. By that act, each man and woman chose who would run their government. By that act, they also chose the course of their government. And by this seemingly simple act, our fellow North Carolinians chose some part of their destiny, collectively speaking.

"As a result of that election of November 1982, we are gathered here to represent the nearly six million citizens of this great State. They cannot be here in person, and so we are entrusted to govern in their place. Ours is a sacred trust, and we, individually and together must live up to that trust which has been placed in our hands.

"We must do the very best for **all** North Carolinians, voters and non-voters, Democrats and Republicans, young and old, black and white, male and female.

"This Session ahead will not be an easy one. I have been coming to Raleigh since 1961, and there is no such thing as an easy session, but I do believe that the 135th may prove to be more difficult than most. The single most important issue will be money, the lack of it, that is. And this single issue will color and influence every other issue that we take up here.

"It will be the job of this Legislature to look carefully at the means of raising money and the ways of spending it. I certainly do not need to remind any of you that North Carolina is constitutionally mandated to balance its budget. We cannot let money going out exceed money coming in; it is that simple. Not only is it against sound fiscal prinicples, in the State of North Carolina, it is against the law.

"But, in our efforts to cut and trim and reduce and remove, we cannot let our minds smother our hearts. There are many in North Carolina who depend on those vital services that the State provides, and we cannot in good conscience forget them. There is room in any budget, no matter how austere, for compassion, and we must make sure that there is ample room in our budget for those who cannot help themselves.

"They may or may not be voters, but they are citizens, and they are very definitely people and we cannot forget them, nor can we ignore their very real needs.

"Both singly and working together, we of the General Assembly must exercise all the creativity within us to find new ways of approaching the questions that are asked of us. We must look at every program and every law with new eyes.

"We do not want to repair any wagons that aren't broke, but we need to make sure that every wagon we have is capable of carrying all of us where we need to go.

"We need to apply new standards of accountability. We need to be fiscal stewards of the people's money, while at the same time being nourishers of the people's hopes and desires for themselves, their children, and for their State.

"As elected representatives to the 135th General Assembly, we need to make sure that—what I like to think of as that—North Carolina quality of life is not diminished in any way, shape or form for any of our people—be they young, old, poor, or not. North Carolina has built a great deal, and she has achieved a great deal, and it is up to us to make sure that we pass on these achievements to those who follow.

"I call upon each and every one of you to work with me to make this, the 135th Session of the General Assembly, the very best example of government **of** the people, **by** the people, and **for** the people. Thank you."

The President announces the Senate is ready to proceed with election of officers.

ELECTION OF OFFICERS

For President Pro Tempore of the Senate, Senator Rauch places in nomination Senator W. Craig Lawing of Mecklenburg County. Senator Tison and Senator Jenkins second the nomination. (See Appendix)

On motion of Senator Jenkins, the nominations are closed and Senator W. Craig Lawing is elected President Pro Tempore by acclamation.

Being declared duly elected, the President appoints Senator Duncan and Senator Edwards of Caldwell to escort the President Pro Tempore, Senator Lawing, to the dais where he receives the prescribed oath of office which is administered by the Honorable James C. Green, Lieutenant Governor.

For Majority Leader of the Senate, Senator Jordan places in nomination Senator Kenneth Claiborne Royall, Jr. of Durham County. Senator Harrington and Senator Hancock second the nomination. (See Appendix)

On motion of Senator Hancock, the nominations are closed. Without objection, the members of the minority party are excused from voting. Senator Kenneth Claiborne Royall, Jr. is elected Majority Leader by acclamation.

Being declared duly elected, the President appoints Senator Hardison and Senator Harris to escort the Majority Leader, Senator Royall, to the dais where he receives the prescribed oath of office which is administered by the Honorable James C. Green, Lieutenant Governor.

For Principal Clerk of the Senate, Senator Hardison places in nomination Sylvia Morris Fink of Wake County. Senator Barnes of Wayne seconds the nomination.

On motion of Senator Barnes of Wayne the nominations are closed and Sylvia Morris Fink is elected Principal Clerk by acclamation. Being declared duly elected, she receives the prescribed oath of office which is administered by the Honorable Willis P. Whichard, Judge, North Carolina Court of Appeals.

For Reading Clerk of the Senate, Senator Johnson places in nomination Leroy Clark, Jr. of Wake County. Senator Staton seconds the nomination.

On motion of Senator Staton the nominations are closed and Leroy Clark, Jr. is elected Reading Clerk by acclamation. Being declared duly elected, he receives the prescribed oath of office which is administered by the Honorable Cecil J. Hill, Judge, North Carolina Court of Appeals.

For Sergeant-at-Arms of the Senate, Senator Thomas of Henderson places in nomination Gerda B. Pleasants of Wake County. Senator White seconds the nomination.

On motion of Senator White the nominations are closed and Gerda B. Pleasants is elected Sergeant-at-Arms by acclamation. Being declared duly elected, she receives the prescribed oath of office which is administered by the Honorable J. William Copeland, Associate Justice of the Supreme Court of North Carolina.

RULES OF THE SENATE

On motion of Senator Lawing, the Rules of the 1981 Session of the General Assembly,

are adopted as the temporary rules of the 1983 Session with the following exceptions:

Rule 32 amended to read as follows:

"RULE 32. **List of Standing Committees. —** The standing committees shall be:

Agriculture
Appropriations
Appropriations Committee on Education
Appropriations Committee on General Government
Appropriations Committee on Human Resources
Appropriations Committee on Justice and Public Safety
Appropriations Committee on Natural and Economic Resources
Banking
Base Budget
Education
Finance
Higher Education
Human Resources
Insurance
Judiciary I
Judiciary II
Constitutional Amendments Committee
Judiciary III
Law Enforcement and Criminal Justice Committee
Local Government and Regional Affairs
Manufacturing, Labor and Commerce
Natural and Economic Resources and Wildlife
Pensions and Retirement
Public Utilities and Energy
Rules and Operation of the Senate
State Government
Senior Citizens Committee
Housing Committee
Election Laws Committee
Veterans and Military Affairs Committee
Ways and Means
Economy Committee
Small Business Committee
Transportation Committee"

Rule 34 amended to read as follows:

"RULE 34. **Membership of committees; quorum.**—Membership on standing committees shall consist of not more than 22 or less than 5 Senators, including the Chairman and/or Co-Chairman and Vice-Chairmen who shall be designated by the President; provided, the committee membership on the Appropriations Committee, Base Budget Committee, Finance Committee, State Government Committee, and Ways and Means Committee shall not be limited as to membership but shall be left to the discretion of the President. No Senator shall hold membership on more than 12 standing committees, with the exception of the President's Coordinator of Committees, unless the Rules and Operation of the Senate Committee provides otherwise. A quorum of the Appropriations, Base

Budget, Finance, State Government, or Ways and Means Committees shall consist of a majority of the committee. A quorum of any other committee shall consist of either the chairman and five members or a majority of the committee, whichever is fewer."

A special message is ordered sent to the House of Representatives informing that Honorable Body that the Senate is organized and ready to proceed with public business.

ADDRESSES TO MEMBERSHIP

Senator Royall is granted permission to approach the Well of the Senate where he delivers the following address:

"Mr. President, distinguished members of the Judiciary, distinguished visitors and guests, fellow members of the Senate,

"I want to express my thanks to Senators Jordan, Hancock and Harrington for their kind remarks. And who could have two better escorts than Senator Hardison and Senator Harris, an Appropriations Chairman with no money and the world's best undertaker. My sincere congratulations to Ms. Fink, Leroy Clark, Gerda Pleasants and our President Pro Tempore, Craig Lawing.

"I am deeply grateful for the opportunity to serve as Majority Leader of this Body. I shall work to the limit of my ability, being guided at all times by what is in the best interest of the people of North Carolina.

"With an economy mired in recession and slow growth, we face an unusually difficult Session.

"Our primary responsibility will be to safeguard the fiscal integrity of our State. Anything else, everything else, is secondary.

"Still and all, it is the duty and function of government to provide the people with those services to which they are entitled. We must give them what they want at a price they are willing to pay.

"I am convinced that, by keeping our spending priorities in order and by working together, we can do both of these things.

"We do not gain strength by not having any problems, we gain strength by having problems and solving them. It is challenge that strengthens us. We have much to think about, much to do, and it will take the combined efforts of all of us, but it **can** be done.

"The sagging economy has cut deeply into the revenues which go to support the operations of our State government. It is a situation which has produced one of the tightest budgets in the recent history of North Carolina. We are now operating at only 94 percent of the budget we approved in June 1982.

"To meet the challenge before us will require ability, experience, and dedication. This Body has shown time and again that it has these qualities, and the voters of North Carolina have once more turned to us to lead them through difficult days.

"We will maintain fiscal responsibility, while at the same time meeting the essential needs of our citizens and taxpayers.

"Meeting the challenge of 1983 will require us to stand shoulder-to-shoulder and work in a spirit of harmony. In politics, as in business, religion, or any other worthwhile endeavor, success is achieved only through unity and combined efforts.

"Let us proceed in a considered and business-like fashion, not making promises we cannot fulfill, but instead compiling a record of solid performance that will speak for itself.

"Working together, we can look forward to an even brighter future for the people of North Carolina. Thank you very much."

Senator Lawing is granted permission to approach the Well of the Senate where he delivers the following address:

"Mr. President, Honorable Justices, friends and visitors, fellow Senators,

"I have been honored many times in my life, for various and sundry accomplishments but never before have I been honored the way I have this day.

"To stand before you the only person in the history of this State to be elected President Pro Tem of the North Carolina Senate is a very humbling experience for me. And as I said here in December at the nominating excercise that we went through, that I heard before that if someone asks you to do something or allows you to do something the first time it is called 'faith.' If you are fortunate and are asked back the second time, they told me that it was 'hope.' But if for some overwhelming reason you were asked the third time, it was called 'charity.' And I want to stand here today and thank you for your 'faith,' your 'hope,' and your 'charity.'

"As Kenneth Royall just told you, we have our work cut out for us. I stood at this place four years ago and I told you, as your newly elected President Pro Tem, that I was going to make mistakes—and I didn't let you down—I made some mistakes. I promised you that again two years ago, and as I stand here today, I want to renew that promise. I will do everything that I can to make the 1983 Session of the North Carolina General Assembly the most productive and one of the most enjoyable, even though we have our tough times looking us straight in the face, that you've ever encountered here.

"We have some new people here for the first time; we have some people that are like myself, that have transferred from across the hall over here; and we have some seasoned veterans that have been here since—almost since some of us—before some of us were born.

"I want to stand here and tell you all that I love each and every one of you, individually and collectively, as I've told you in the past. And I want you to know, that if you don't know where my office is I want you to find out. I want you to find out my telephone number and if there's anything that I can do to help you, I want you to know that.

"I also want to thank Senator Marshall Rauch, Senator Ben Tison, Senator Cecil Jenkins, for those kind words they said about me, and I want to thank Senator Conrad Duncan and Senator Jim Edwards for escorting me in and above all, the Lieutenant Governor—and that's another thing—you made history, Governor, swore the same man in three times as President Pro Tem of the Senate.

"I realize that difficult times are ahead and I also note:

'The world is a difficult world indeed
and the people are hard to suit.
And the man who plays on the violin
is a bore with the man with the flute.
And I, myself, have often thought
how very much better t'would be,
If every one of the folks that I know
would only agree with me.
But since they will not, the very best way
to make the world look bright,
Is never to mind what others say
But do what you think is right.'

"Thank you."

APPOINTMENT OF COMMITTEES

The President makes a statement and announces the standing committee appointments as follows:

"Because the work of the General Assembly has become far more complex in recent years, I have long felt a need for fewer committees, expanded opportunities for leadership and better coordination of the overall work of committees.

"The appointments I announce today will streamline both the number of committees that I have assigned and the number of Senators assigned to each individual committee.

"I have established a number of umbrella committees with structures similar to that of the Appropriations Committee. Also, I have given five of the committees with the heaviest workloads—Base Budget, Finance, Local Government and Regional Affairs, State Government, and Ways and Means—joint chairmanships.

"We have many returning members as well as several veteran House members now elected to the Senate, and these new assignments will, I firmly believe, expand the opportunities for leadership, and therefore make the best and most appropriate use of the many talents of the fifty men and women who make up the membership of the 135th North Carolina Senate.

"One of the most important appointments I am making today is that of assigning Senator Kenneth Royall to each of the committees that I name. As such, he will be a voting member of each committee and will be working closely with the chairmen of all committees to coordinate the flow of legislation.

"Senator Royall and I have discussed such a role for him during this Session, and he is in complete agreement with this decision. I am tremendously pleased that he has agreed to undertake such a demanding task in addition to his duties as Senate Majority Leader.

"These innovations will create a more efficient and better organized Senate, which will, in turn, be best able to deal with the issues before it.

"I could say many good things about each of you, but I just give thanks that you are

participants in what I consider one of the most important Sessions of the North Carolina General Assembly in many years.

"You know we are in troubled times, therefore, let's do our job.

"Now, the Senate Committees are:"

AGRICULTURE COMMITTEE: Senators White, Chairman; Hipps, Speed, Vice-Chairmen; Barnes of Wayne, Daniels, Duncan, Guy, Plyler, Redman, Royall, Soles, Thomas of Craven, Thomas of Henderson, and Warren.

The President charges the Committee as follows:

"Senator White and members of the Committee:

"North Carolina's number one industry is agriculture, and it behooves all of us to remember that our State does more than its share in producing the food and fiber used by millions all around the world. The work that this Committee will do will affect this vital industry dramatically, and so it is work that must be carefully considered. The recommendations that you make will, I know, be in the best interests of all North Carolinians.

"I appreciate your willingness to assume and discharge this important work."

APPROPRIATIONS COMMITTEE: Senators Hardison, Chairman; Royall, Tison, Vice-Chairmen; Alford, Allsbrook, Ballenger, Barnes of Wayne, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Harris of Cleveland, Hipps, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Swain, Tally, Thomas of Craven, Walker, Ward, Warren, White, Winner, and Woodard.

APPROPRIATIONS COMMITTEE ON EDUCATION: Senators Ward, Chairman; Tally, Vice-Chairman; Davis, Edwards of Caldwell, Martin, Warren, and White.

APPROPRIATIONS COMMITTEE ON GENERAL GOVERNMENT: Senators Parnell, Chairman; Childers, Vice-Chairman; Allsbrook, Guy, Johnson, Tison, and Winner.

APPROPRIATIONS COMMITTEE ON HUMAN RESOURCES: Senators Walker, Chairman; Harris of Cleveland, Vice-Chairman; Ballenger, Hancock, Lawing, and Woodard.

APPROPRIATIONS COMMITTEE ON JUSTICE AND PUBLIC SAFETY: Senators Swain, Chairman; Marion, Vice-Chairman; Barnes of Wayne, Kincaid, Plyler, and Rand.

APPROPRIATIONS COMMITTEE ON NATURAL AND ECONOMIC RESOURCES: Senators Alford, Chairman; Daniels, Edwards of Guilford, Hipps, Marvin, and Thomas of Craven.

COMMITTEE ON BASE BUDGET: Senators Edwards of Guilford, and Jordan, Co-Chairmen; Alford, Hardison, Parnell, Swain, Tison, Walker, and Ward.

(All members of Appropriations Committee are also members of Base Budget.)

The President charges the Committees as follws:

"Chairmen and members of the Committees:

"In this Session, as in no other before, money—espeically the lack of it—will, more than likely, be the single most important issue that this General Assembly faces.

"Because the recession has been deeper and longer than anyone anticipated, our tax revenues have fallen sharply behind the budget projections set by the last General Assembly. I do not foresee any substantive alteration in that situation anytime soon. Eroding tax bases; increasing demands for services; continuing inflation which increases expenses faster than income; taxpayer resistance; and the tremendous reductions in the availability of federal grants will all affect our State budget, and that will, in turn, affect every issue that we face during this Session.

"Because of this situation, these Committees will spend much time combing the budget for any duplication, out-dated programs, ineffectual programs, and waste of any kind. We owe it to the citizens who elected us.

"Each of the five subject-matter Appropriations Committees will sit first as a Base Budget Committee, under the Chairman, so that they might make careful appraisal of State budgets for continuation of governmental operations at the existing levels of service. Upon completion of this search for spending reductions, each same committee will be re-constituted as an Appropriations Committee to consider proposals for an expansion in services.

"This procedure should again materially shorten the time required to construct our State's budget.

"Every member of the Senate Appropriations Committee will automatically participate in the Base Budget hearings, under the able leadership of Senators Jordan and Elton Edwards.

"I am depending on each of you to make sure that our citizens get the very best in government services for the very least amount of money. The Chair is confident that you realize the importance of your work, and the Chair is extremely grateful that you have undertaken to assume and discharge these tasks so vital to all of us."

BANKING COMMITTEE: Senators Edwards of Caldwell, Chairman; Duncan, Lawing, Vice-Chairmen; Alford, Ballenger, Childers, Daniels, Gray, Guy, Hardison, Harris of Cleveland, Johnson, Royall, Soles, Staton.

The President charges the Committee as follows:

"Senator Edwards and members of the Committee:

"Your most important task will be to balance the conflicting hopes and desires, needs and demands of our farmers, our business people, our citizens as consumers, as well as those of our banks and financial institutions. You must try to reconcile the availability of money versus its costs. Our State's economy depends on it.

"The legislation that will come before this Committee is certain to be sensitive and controversial, and I appreciate your willingness to deliberate fairly upon all proposals brought before you. You have the full confidence of the Chair in this vital task."

EDUCATION COMMITTEE: Senators Speed, Chairman; Hunt, Warren, Vice-Chairmen; Childers, Davis, Harris of Mecklenburg, Martin, Marvin, Royall, Tally, Ward, White, and Wright.

The President charges the Committee as follows:

"Senator Speed and members of the Committee:

"The education of our children is the single most important investment we, as a State, make, and so it is fitting and right that we invest more of our resources into education than in any other single thing in our budget.

"Our state-wide system of education is good, but it can be even better, and we can never cease in our efforts to make it so. We need to closely examine the methods for its funding, as well as the placement of responsibility. We owe it to our children to make those painful changes if we are convinced that our children will benefit.

"I ask this Committee to carefully consider all legislation that comes before it, so that we might get the most cost-effective education our no longer limitless resources can buy.

"This Committee may spend long hours in its efforts, and the Chair is grateful that you will discharge this work to the very best of your ability."

FINANCE COMMITTEE: Senators Duncan and Rauch, Co-Chairmen; Harrington, Thomas of Henderson, Vice-Chairmen; Allred, Barnes of Forsyth, Edwards of Guilford, Gray, Guy, Hardison, Harris of Mecklenburg, Hunt, Jenkins, Jordan, Lawing, Parnell, Plyler, Redman, Royall, Soles, Speed, Staton, Tison, White, and Wright.

The President charges the Committee as follows:

"Senators Duncan and Rauch and members of the Committee:

"The Finance Committee must strive to maintain that delicate balance between providing the resources to support essential services without burdening further our already-all-but over-burdened people. This Session you will be asked to examine the merits of many different proposals to raise money: raising or shifting taxes, bonds, raising fees—all in the face of continuing inflation and worsening unemployment. The choices are there, and you must give the Senate your very best recommendations, as how best to solve our present financial problems, as well as to head off future problems before they occur.

"I very much appreciate the willingness of this Committee and its two able chairmen to assume and discharge this vital work."

HIGHER EDUCATION COMMITTEE: Senators Tally, Chairman; Martin, Winner, Vice-Chairmen; Edwards of Guilford, Hancock, Hunt, Rauch, Royall, and Wright.

The President charges the Committee as follows:

"Senator Tally and members of the Committee:

"Over the years, North Carolina has invested many millions of dollars into its system of higher education, and has made that system second to none throughout the nation. We will best serve our electors by protecting and preserving that investment. Thousands of our young people and their future depend on our keeping all elements of that system strong.

"The Chair has confidence in the ability of this Committee to help the Senate in its work."

HUMAN RESOURCES COMMITTEE: Senators Harris of Cleveland, Chairman; Edwards of Caldwell, Walker, Vice-Chairmen; Allsbrook, Gray, Hardison, Jenkins, Martin, Marvin, Parnell, Plyler, Redman, Royall, Speed, Ward, and Warren.

The President charges the Committee as follows:

"Senator Harris and members of the Committee:

"Our dwindling tax revenues might make us forget those who truly depend on the vital services the State provides. Our sense of responsibility, and of compassion, compel us not to do that. There are many in this State who can not do for themselves, and it is up to all of us to make sure that they get the help they need.

"This Committee has an enormous task ahead of it this Session, and I urge it to work closely with the Appropriations Committees to see that we do the very best we can for those who are depending upon us.

"The Chair is confident in the ability and willingness of all members of this Committee to assume and discharge this vital work."

INSURANCE COMMITTEE: Senators Jenkins, Chairman; Johnson, Soles, Vice-Chairmen; Edwards of Guilford, Edwards of Caldwell, Harrington, Harris of Mecklenburg, Jordan, Kincaid, Lawing, Marion, Parnell, Rand, and Royall.

The President charges the Committee as follows:

"Senator Jenkins and members of the Committee:

"The rates, coverage, and types of insurance to our citizens is one of the most continuingly controversial matters that the General Assembly takes up. I ask this Committee to look into many matters, and examine them from all sides to see that we have developed a system that balances both consumers and providers.

"Yours will not be an easy task, as insurance is a complicated subject, but the Chair is grateful that you have undertaken to perform your task to the best of your abilities."

JUDICIARY I COMMITTEE: Senators Allsbrook, Chairman; Swain, Vice-Chairman; Harris of Cleveland, Jenkins, Kincaid, Marion, Royall, Staton, and Thomas of Henderson.

JUDICIARY II COMMITTEE: Senators Soles, Chairman; Hancock, Vice-Chairman; Allred, Edwards of Guilford, Martin, Marvin, Royall, Tally, and Winner.

JUDICIARY III COMMITTEE: Senators Barnes of Wayne, Chairman; Rand, Vice Chairman; Ballenger, Davis, Edwards of Caldwell, Hipps, Johnson, Royall, Tison, and Warren.

The President charges the Committees as follows:

"Senators Allsbrook, Soles and Barnes and members of all three Judiciary Committees:

"If our Constitution defends and protects us, our laws can be said to define us, and we must work to keep that definition pure and simple, and fair to all. This is the work of the

Judiciary Committees. You will receive complicated legislation that may cut across the entire spectrum of our State's statutory law. This legislation will require much research and investigation, and I am grateful that each of you has agreed to take on this work so important to our State's legal system."

JUDICIARY II/CONSTITUTIONAL AMENDMENTS COMMITTEE: Senators Marvin, Chairman; Edwards of Guilford, Vice-Chairman; Hancock, Tally, and Winner.

The President charges the Committee as follows:

"Senator Marvin and members of the Committee:

"Our Constitutions, both State and local, form the backbone of our government: they defend and protect us, much as a loving parent defends and protects his children. Our instruments of government must, therefore, be strong and stable enough to endure, while at the same time, be flexible enough to accommodate our changing society.

"I charge all of you to deliberate upon each and every proposed change or addition, making sure that it adds much to the foundation of our laws. Yours is important and necessary work, and I appreciate you willingness to take it on."

JUDICIARY III/LAW ENFORCEMENT AND CRIMINAL JUSTICE COMMITTEE: Senators Rand, Chairman; Davis, Vice-Chairman; Ballenger, Edwards of Caldwell, and Tison.

The President charges the Committee as follows:

"Senator Rand and members of the Committee:

"Crime is on the rise, and our prisons are already full to capacity. How can we best protect our citizens, and not burden society with tremendous prison bills? How can we best balance the ideas of deterrence, punishment, and rehabilitation? We need to ensure that criminal, victim, and society all get fair and equal treatment. I ask each member to study this many-sided question, and advise the Senate as to the options available to it.

"I appreciate your willingness to assume and discharge this difficult work."

LOCAL GOVERNMENT AND REGIONAL AFFAIRS COMMITTEE: Senators Hipps and Marion, Co-Chairmen; Woodard, Vice-Chairman; Barnes of Wayne, Davis, Rand, Royall, Swain, Thomas of Craven, Walker, White, Winner, and Wright.

The President charges the Committee as follows:

"Senators Hipps and Marion and members of the Committee:

"The number of local bills to be addressed by this General Assembly has increased in the past few Sessions, which means that every bill to come before this Committee will require even closer review and scrutiny to decide if it is, indeed, in the best interest of our State as a whole.

"Senator Hipps will be directed to handle legislation consisting of charters and finance matters.

"Senator Marion will handle all other measures dealing with local governments.

"I am confident that this work will be done fairly and well, and I appreciate your willingness to assume and discharge it."

MANUFACTURING, LABOR AND COMMERCE COMMITTEE: Senators Childers, Chairman; Ballenger, Duncan, Guy, Jenkins, Johnson, Jordan, Kincaid, Rauch, Royall, Thomas of Henderson, Tison, and Winner.

The President charges the Committee as follows:

"Senator Childers and members of the Committee:

"North Carolina's diversified economy is growing by leaps and bounds, and yet as a sunbelt State, she is no longer considered as recession-proof as earlier imagined. As our sister states are learning, we can no longer depend on one or two industries to keep our economy growing, and so we must try to diversify our industrial mix even further. Your task will be to balance the needs and desires of all the interests in the State, and advise the Senate to the best of your ability.

"The Chair has every confidence in the commitment and the concern of each member of this important Committee."

NATURAL AND ECONOMIC RESOURCES AND WILDLIFE COMMITTEE: Senators Thomas of Craven, Chairman; Staton and Ward, Vice-Chairmen; Daniels, Hipps, Hunt, Kincaid, Redman, Royall, Thomas of Henderson, and Wright.

The President charges the Committee as follows:

"Senator Thomas and members of the Committee:

"God has given our great State much in the way of natural resources, and we can best cherish His gifts by ensuring that they will be there for our children and grandchildren to enjoy. At the same time, we must also provide for present and future growth, so that our children can enjoy those benefits, also. This delicate task will be the scope of this Committee.

"I appreciate your willingness to assume and discharge this difficult work."

PENSIONS AND RETIREMENT COMMITTEE: Senators Plyler, Chairman; Jenkins, Vice-Chairman; Alford, Hardison, Harrington, Harris of Mecklenburg, Lawing, Royall, Speed, and Thomas of Henderson.

The President charges the Committee as follows:

"Senator Plyler and members of the Committee:

"The retirement benefit and pension plans for public officers and employees that are administered by the State of North Carolina are sacred trusts that the General Assembly must safeguard on behalf of all who depend on them. I charge that this Committee analyze the benefits available to these public employees, and I ask that you send us legislation that will ensure and maintain sound retirement and pension policy for all funds in accordance with the retirement systems actuarial note.

"The Chair has every confidence in all members of this Committee, and in the work they will do, and it appreciates their willingness to discharge this important work."

PUBLIC UTILITIES AND ENERGY COMMITTEE: Senators Guy, Chairman; Allsbrook and Daniels, Vice-Chairmen; Allred, Ballenger, Childers, Duncan, Hardison, Harrington, Hipps, Johnson, Lawing, Parnell, Rauch, Royall, and Tally.

The President charges the Committee as follows:

"Senator Guy and members of the Committee:

"Keeping our utility rates reasonable while ensuring that our State will always have the energy and other utilities it needs is a delicate, and vital task. It will require long hours of arduous work, listening to many different, and possibly differing, points of view. We depend too heavily upon our publicly-monitored utilities for any of us to be seduced by short-term answers that may fail us in the long run. We are dependent upon all our utilities, and we must make sure that they are efficient enough and healthy enough to serve our children and our grandchildren.

"Yours will not be an easy task, and I appreciate your willingness to undertake and discharge it to the best of your abilities."

RULES AND OPERATION OF THE SENATE COMMITTEE: Senators Lawing, Chairman; Rauch and Royall, Vice-Chairmen; Allsbrook, Ballenger, Duncan, Gray, Hardison, Harrington, Harris of Cleveland, Jenkins, and Swain.

The President charges the Committee as follows:

"Senator Lawing and members of the Committee:

"The rules that govern the operation of the North Carolina Senate make it possible to operate smoothly and efficiently, and they are, therefore, of great importance to every member of this august Body. Our productivity depends on our promulgating and enforcing rules that make us efficient, as well as fair, to all members duly elected.

"Senator Lawing, I know that you and your Committee will do its utmost to see that the rules of the Senate make it possible to serve the very best interest of the entire State."

STATE GOVERNMENT COMMITTEE: Senators Hancock and Staton, Co-Chairmen; Barnes of Wayne, Gray, and Marvin, Vice-Chairmen; Allred, Barnes of Forsyth, Childers, Duncan, Guy, Hardison, Harris of Mecklenburg, Hipps, Hunt, Johnson, Jordan, Lawing, Martin, Parnell, Rand, Rauch, Redman, Royall, Warren, and Woodard.

The President charges the Committee as follows:

"Senators Hancock and Staton and all the members of the Committee:

"The efficiency of our State government, as well as its size, has always been a matter of great concern to me personally, and, I think, to most of our citizens all across the State. It is all too easy for government to grow too big too fast, and I see the focus of the State Government Committee as making sure that we serve as many of the real needs of our citizens as efficiently as those needs can be served.

"This is a task that will take long hours of research, and will demand strict standards of accountability. I very much appreciate the willingness of Senators Hancock and Staton and all their Committee members to undertake and honorably discharge this important work."

January 12, 1983

STATE GOVERNMENT/ELECTION LAWS COMMITTEE: Senators Woodard, Chairman; Parnell, Vice-Chairman; Allred, Hipps, and Martin.

The President charges the Commitee as follows:

"Senator Woodard and members of the Committee:

"The right we have to elect the people who will govern us is the most valuable right we, as Americans and as North Carolinians, possess. Therefore the laws that govern this precious right must safeguard it for all of us.

"I ask all members of the Committee to give the accessibility and the workability of our electoral process their utmost consideration. It is important work you do, and the Chair has every confidence that you will fulfill your tasks wisely and well."

STATE GOVERNMENT/HOUSING COMMITTEE: Senators Johnson, Chairman: Jordan, Vice-Chairman; Barnes of Wayne, Hardison, and Warren.

The President charges the Committee as follows:

"Senator Johnson and members of the Committee:

"The availability of affordable housing is a critical problem to all of us in North Carolina, where, experts predict, the number of households will rise by some 55 percent by the year 2000. Already, over 12 percent of our citizens live in what can be termed 'substandard' housing—housing that is overcrowded or lacks complete plumbing. Will our housing stock be adequate to meet the growth, development, and replacement needs of our State's communities?

"These, and other questions, will be the scope of this new Committee on Housing, and I very much appreciate the willingness of Senator Johnson and his Committee to undertake and discharge these tasks so vital to the well-being of our people."

STATE GOVERNMENT/SENIOR CITIZENS AFFAIRS COMMITTEE: Senators Gray, Chairman; Barnes of Forsyth, Vice-Chairman; Harris of Mecklenburg, Hunt, and Jordan.

The President charges the Committee as follows:

"Senator Gray and members of the Committee:

"Between 1960 and 1980, North Carolina's elderly population increased from 300,000 to 600,000, and experts predict that population to increase by another 300,000 to almost one million by the year 2000. To put it another way, that means that the elderly will soon comprise almost fifteen percent of our population. This large and growing group has special needs, and we need to make sure that these needs get the attention they deserve.

"This Committee is charged with reviewing bills and resolutions that affect this growing segment of our population, and reporting back to the Senate on any matter that pertains to the concerns of our senior citizens."

STATE GOVERNMENT/VETERANS AND MILITARY AFFAIRS COMMITTEE: Senators Barnes of Forsyth, Chairman; Guy, Vice-Chairman; Childers, Duncan, Rand, and Redman.

The President charges the Committee as follows:

"Senator Barnes and members of the Committee:

"This Committee is charged with reviewing and recommending legislation affecting the lives and affairs of those many fine men and women who have served or are now serving their country in the armed forces. There are a number of military installations throughout the State, and therefore a goodly number of our residents and their livelihoods are affected by those installations.

"I appreciate your willingness to assume and discharge this significant task."

WAYS AND MEANS COMMITTEE: Senators Harrington and Thomas of Henderson, Co-Chairmen; Lawing and Royall, Vice-Chairmen; Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Duncan, Edwards of Guilford, Edwards of Caldwell, Hancock, Hardison, Harris of Cleveland, Jenkins, Jordan, Parnell, Rauch, Redman, Soles, Speed, Staton, Swain, Thomas of Craven, Tison, Walker, Ward, Warren, and White.

The President charges the Committee as follows:

"Senators Harrington and Thomas and all the members of the Committee:

"This Committee is primarily responsible for coordinating decisions on taxing and spending, and this year, even more, perhaps, than in years past, this Committee's work will play a vital role in the balancing of our State's budget. Bond issues and tax adjustments will also be of great concern to the work of this Committee.

"I place the utmost trust in the complete reliability of every member of this Committee to do this work completely and well, and I appreciate their willingness to undertake this task."

WAYS AND MEANS/ECONOMY COMMITTEE: Senators Tison, Chairman; Daniels, Vice-Chairman; Duncan, Edwards of Guilford, Hardison, Jenkins, Jordan, Lawing, and Swain.

The President charges the Committee as follows:

"Senator Tison and members of the Committee:

"All of us in North Carolina need to make sure that our economy is developed so that it can sustain what we like to call our North Carolina way of life. A growing economy has its rewards, but growth can be painful, and this Committee is charged with the important mission of considering the far-reaching implications, and consequences, of legislation that affects our economy.

"Your task will be to examine the future, and compare it to the present, and then advise the rest of the Senate on its options. The Chair has the great confidence that it has chosen able people to perform this delicate task, and it is grateful that you have undertaken it."

WAYS AND MEANS/SMALL BUSINESS COMMITTEE: Senators Daniels, Chairman; Plyler, Vice-Chairman; Ballenger, Barnes of Forsyth, Martin, Rauch, and Walker.

The President charges the Committee as follows:

"Senator Daniels and members of the Committee:

"If we define a small business as one employing under one hundred people, then there are some 110,000 small businesses throughout North Carolina, and they employ only slightly less than a million of our citizens. And that is only slightly less than half of all the people employed in our State. The impact of those 110,000 small businesses, and the people they employ, upon our State's economy is tremendous, and we must protect and develop this already beleaguered, and yet quite vital, sector of the economy.

"Much depends on the hard work of this Committee, and I trust and believe in the competence of every member to undertake and discharge this important work."

WAYS AND MEANS/TRANSPORTATION COMMITTEE: Senators Warren, Chairman; Alford and Thomas of Craven, Vice-Chairmen; Duncan, Parnell, Redman, Speed, and Ward.

The President charges the Committee as follows:

"Senator Warren and members of the Committee:

"North Carolina has long been known as the 'Good Roads State,' and rightfully so. The General Assembly since the days of Governor Morrison has known how vitally we depend on our entire transportation system, and ever since the Legislature passed the Highway Act of 1921, North Carolina has seen its system of good highways and roads keep our State in touch with itself. The quality of our system of roads is critical to the productivity of our very economy, and we must therefore do all that we can to protect and develop this vital state-wide resource.

"I have every confidence in each member of this Committee, and in their collective ability to serve this system so vital to our State."

APPOINTMENT TO COMMISSION

The President announces the following appointments to the Advisory Budget Commission: Senators Daniels, Duncan, Hardison, and Royall.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
January 12, 1983

Mr. President:

It is ordered that a message be sent to the Senate informing that Honorable Body that the House of Representatives is organized and is now ready to proceed with the public business. This is to further advise that the House of Representatives has elected the following officers:

Speaker, Liston B. Ramsey
Speaker Pro Tempore, Allen C. Barbee
Principal Clerk, Grace A. Collins

Sergeant-at-Arms, Larry P. Eagles
Reading Clerk, Sam J. Burrow, Jr.

Respectfully,
GRACE A. COLLINS
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

Without objection, Rule 40 relative to filing legislation for introduction is suspended.

The following bills and resolutions are presented to the Senate, read the first time, and disposed of as follows:

By Senators Barnes of Wayne, Plyler, Winner, Hipps, Parnell, Walker, Harris of Cleveland, Rauch, Hardison, Thomas of Craven, Allred, Marvin, Speed, Royall, Edwards of Caldwell, Davis, Woodard, Tison, and Jordan:

S. B. 1, a bill to provide safe roads by requiring mandatory jail terms for grossly aggravated drunken drivers, providing an effective deterrent to reduce the incidence of impaired driving, and clarifying the statutes related to drinking and driving.
Referred to **Judiciary III Committee.**

By Senators Lawing, Jenkins, Tison and Edwards of Caldwell:

S. J. R. 2, a joint resolution informing His Excellency, Governor James B. Hunt, Jr., that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a Joint Session of the Senate and House of Representatives at 7:00 P.M., Monday, January 17, 1983.
On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.
The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
January 12, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the Honorable Thad Eure, Secretary of State, has been invited to conduct a Legislative School of Instruction and Parliamentary Procedure beginning Tuesday, January 18, 1983, thirty minutes prior to the House session in Room 1327 of the Legislative Building and inviting the Senate to join in this school.

Respectfully,
GRACE A. COLLINS
Principal Clerk

The Reverend Claude Godwin, Regional Communicator for the Presbyterian Synod of North Carolina, is recognized as the Senate Chaplain for the 1983 Session of the North Carolina General Assembly.

The President recognizes the following pages serving in the Senate this week: Tammy Beck, Lexington; Sheila A. Brown, Sneads Ferry; Philip Whit Covington, Garner; Charles Richard English III, Raleigh; Brenda Paige Estep, Matthews; Christy Marsh, Southern Pines; Melodie Anne Martin, Gastonia; Troy Wendell Pate III, Goldsboro; and Rose M. Weatherford, Youngsville.

On motion of Senator Lawing, seconded by Senator Rauch, the Senate adjourns to meet tomorrow at 12 M.

SECOND DAY

SENATE CHAMBER,
Thursday, January 13, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, by whom the whole family in Heaven and Earth is named, hear our prayer today for the women and men of the Senate as they assemble to do the work You have called them to on behalf of their sisters and brothers in this State. We ask for them that You will write on their hearts the wisdom of Your servant Micah, who defined the requirements for all who would follow You. Help them to do justice, to love mercy, and to walk humbly with their God. Enable all of us, by Your spirit, to accept this as our call to faithful discipleship, that Your Name may be praised by what we do, and that the people may be blessed, encouraged, uplifted and served by this Legislature. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Staton for today, to Senators Wright, Rauch, and Harris of Cleveland for tomorrow, January 14, and to Senator Winner for Monday and Tuesday, January 17 and 18.

The President grants courtesies of the gallery to the Honorable W. G. Hefner, United States Congressman representing the Eighth Congessional District.

The President announces that the following members of the 1983 General Assembly have been elected as officers of the Minority Party: Senator T. Cass Ballenger as Senate Minority Leader; Senator Cary Allred as Senate Minority Whip; Representative George Holmes as Joint Caucus Leader; Representative Harold Brubaker as House Minority Leader; and Representative Charles Hughes as House Minority Whip.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. J. R. 2

HOUSE OF REPRESENTATIVES
January 12, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to SJR 2, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR. THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT 7:00 P.M., MONDAY, JANUARY 17, 1983, the Speaker has appointed the following members of the House of Representatives to serve with a like Committee of the Senate to invite, greet and escort the Governor to the Joint Session:

Representative Allen Barbee
Representative Jeanne Fenner
Representative Joe Mavretic
Representative Tom Matthews

Respectfully,
GRACE A. COLLINS
Principal Clerk

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 2, a joint resolution informing His Excellency, Governor James B. Hunt, Jr., that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a Joint Session of the Senate and House of Representatives at 7:00 P.M., Monday, January 17, 1983. (Res. 1)

On motion of Senator Lawing, seconded by Senator Harris of Cleveland, the Senate adjourns to meet tomorrow at 10:00 A.M.

THIRD DAY

SENATE CHAMBER,
Friday, January 14, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, Who created us in Your own image to be Your stewards and brothers and sisters to each other, bind us together as one people, overcoming all that keeps us apart. Do not let us become overwhelmed by differences of religion, national pride, or color of skin. Help us to keep alive the dream that one day we shall work, play, and worship together in Your kingdom. You are our One Father, O Lord, help us to become the kind of family You created us to be. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Plyler for Tuesday, January 18.

Leaves of absence granted previously to Senators Rauch, Wright, and Harris of Cleveland are noted.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Marion:

S. B. 3, a bill to raise the tax on alcoholic beverages.
Referred to **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 3, a bill to declare Martin Luther King, Jr.'s birthday to be a legal public holiday.
On motion of Senator Barnes of Wayne, the rules are suspended, and the bill is placed before the Senate for immediate consideration.
The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 4, a bill to schedule the regular primary and general election in Wilson County for members of the Board of County Commissioners not conducted in 1982 due to delay caused by submissions to United States Department of Justice.
On motion of Senator Alford, the rules are suspended, and the bill is placed before the Senate for immediate consideration.
The bill passes its second and third readings and is ordered enrolled.

The President orders a Special Message sent to the House of Representatives informing that Honorable Body that pursuant to **S. J. R. 2,** a joint resolution informing His Excellency, Governor James B. Hunt, Jr., that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a Joint Session of the Senate and House of Representatives at 7:00 P.M., Monday, January 17, 1983, the following members of the Senate have been appointed to serve with a like Committee of the House of Representatives to invite, greet, and escort the governor to the Joint Session: Senator Walker and Senator Marvin.

APPOINTMENT OF COMMITTEES

The following committee appointments are made by the President of the Senate:

Pensions and Retirement Committee: Senators Duncan and Rauch are added as members.

On motion of Senator Lawing, seconded by Senator White, the Senate adjourns to meet Monday at 6:17 P.M.

FOURTH DAY

SENATE CHAMBER,
Monday, January 17, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, as we prepare for another week of work in this place, we ask once more for Your guidance, protection and wisdom. Help us all to remember that You alone are supreme in knowledge, wisdom and power, and that we risk fundamental failure when we begin to believe that our human power is sufficient to the task. We ask especially tonight for the gift of thoughtful listening. Help us as citizens, as legislators, as staff members, to be open and receptive to the thoughts, the hopes, the needs, the dreams of others as we seek together to provide for the needs of the people of North Carolina. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Rauch for tonight, to Senator Johnson for Thursday, January 20, and to Senator Harris of Mecklenburg for Friday, January 21. A leave of absence granted previously to Sentor Winner is noted.

The President recognizes the following pages serving in the Senate this week: Tammy Beck, Lexington; Sheila A. Brown, Sneads Ferry; Susan Brown, Mebane; Philip Whit Covington, Garner; Charles Richard English III, Raleigh; Brenda Paige Estep, Matthews; Millicent Greason, Winston-Salem; Amy Gunn, Cary; Christy Marsh, Southern Pines; Melodie Anne Martin, Gastonia; Jenny Murray, Raleigh; Troy Wendell Pate III, Goldsboro; and Rose M. Weatherford, Youngsville.

Senator Royall announces that Senator Marvin Ward has received the Lief Valand Award for Outstanding Service to Mental Health.

APPOINTMENT BY THE GOVERNOR

The President directs the Reading Clerk to read the following message from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

January 17, 1983

The Honorable James C. Green
Lieutenant Governor
Legislative Building
Raleigh, North Carolina 27611

Dear Jimmy:

In compliance with G. S. 106-2, I submit the following appointments to the State Board of Agriculture for confirmation by the Senate:

Mr. Larry Bernard Wooten
Route 1, Box 124
Currie, North Carolina 28435
(For a term to expire May 4, 1987)

Mr. Ronald Willard
Route 2
High Point, North Carolina, 27260
(For a term to expire May 4, 1985)

Thank you for your assistance in this matter.

My warmest personal regards.

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

Notification of this appointment is referred to the **Agriculture Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 3, an act to declare Martin Luther King, Jr.'s birthday to be a legal public holiday. (Ch. 1)

H. B. 4, an act to schedule the regular primary and general election in Wilson County for members of the Board of County Commissioners not conducted in 1982 due to delay caused by submissions to United States Department of Justice. (Ch. 2)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
January 17, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to S. J. R. 2, a joint resolution informing His Excellency, Governor James B. Hunt, Jr. that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a Joint Session of the Senate and House of Representatives at 7:00 P.M., Monday, January 17, 1983, the House of Representatives stands ready to receive the Senate in Joint Session at the hour appointed.

Respectfully,
GRACE COLLINS
Principal Clerk

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House, there to sit in Joint Session with that Honorable Body for the purpose of receiving the Governor's message pursuant to S. J. R. 2.

On motion of Senator Lawing, seconded by Senator Allsbrook, the Senate recesses to meet in Joint Session in the House of Representatives, for the purpose of receiving the Governor's message and upon dissolution of the Joint Session, to stand adjourned to meet tomorrow at 12:30 P.M.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing, and the Joint Session is called to order by the Honorable James C. Green, Lieutenant Governor.

The President extends courtesies of the floor to the Chief Justice and Associate Justices of the Supreme Court of North Carolina, to the Honorable Susie M. Sharp, former Chief Justice of the Supreme Court of North Carolina, to the Honorable William H. Bobbitt, former Chief Justice of the Supreme Court of North Carolina, to the Chief Judge and Associate Judges of the North Carolina Court of Appeals, to the Council of State, to family and friends of Governor James B. Hunt, Jr.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of His Excellency, Governor James B. Hunt, Jr. The President presents Governor Hunt, who delivers the State-of-the-State address. (Pursuant to S. J. R. 2, the text of the address appears in the Appendix.)

On motion of Senator Lawing, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate adjourns to meet tomorrow at 12:30 P.M.

FIFTH DAY

SENATE CHAMBER,
Tuesday, January 18, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Gracious God, in Whom we live and move and have our being, we come before You today asking Your guidance through the maze of conflicting claims which daily confront us. It is so often difficult to know what is good and right and proper. People clamor for our attention and claim to have a corner on truth. But the truth is so often elusive, Lord. Just when we think we have found it some new fact, some undiscovered reality calls us to re-examine what we believe to be right. We do not ask for the answers to be simple, but we do ask for wisdom to discern the truth, and the courage to commit ourselves to it, so that what we do and what we say, and what we are may be acceptable in Your sight. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Thomas of Craven for today and for Thursday and Friday, January 20 and 21. A leave of absence granted previously to Senator Winner is noted.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Lawing:

S. R. 4, a Senate resolution adopting the permanent rules of the Senate for the 1983 Session of the General Assembly of North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Harris of Cleveland:

S. B. 5, a bill to require a court appearance at the time an adoption is made final.
Referred to **Human Resources Committee.**

By Senator Harris of Cleveland:

S. B. 6, a bill to clarify the process of certain appeals by area mental health, mental retardation and substance abuse authorities.
Referred to **Human Resources Committee.**

By Senator Harris of Cleveland:

S. B. 7, a bill to clarify liability for payment for long-term hospitalized children.
Referred to **Human Resources Committee.**

By Senator Harris of Cleveland:

S. B. 8, a bill to authorize the Department of Human Resources to act as contractual intermediary with the federal government to assist recovery by counties of interim welfare payments.

Referred to **Human Resources Committee.**

By Senator Harris of Cleveland:

S. B. 9, a bill to amend Chapter 110 of the General Statutes to ensure access to the Federal Parent Locator Services in parental kidnapping and child custody cases.

Referred to **Human Resources Committee.**

By Senator Harris of Cleveland:

S. B. 10, a bill to amend G. S. 108A-24, 108A-41, and 108A-42 to clarify public assistance program disability.

Referred to **Human Resources Committee.**

By Senator Harris of Cleveland:

S. B. 11, a bill to allow area mental health, mental retardation, and substance abuse board membership to include up to twenty-five members.

Referred to **Human Resources Committee.**

By Senator Harris of Cleveland:

S. B. 12, a bill to require that parental consents to adoptions be duly sworn.

Referred to **Human Resources Committee.**

By Senator Gray:

S. B. 13, a bill to subject nursing home beds in hospitals to the Nursing Home Patients Bill of Rights.

Referred to **State Government/Senior Citizens Committee.**

On motion of Senator Lawing, seconded by Senator Alford, the Senate adjourns to meet tomorrow at 1:00 P.M.

SIXTH DAY

SENATE CHAMBER,
Wednesday, January 19, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain as follows:

"Almighty God, Creator of all the worlds that are, we thank You that You still work among us, shaping and sustaining the universe You made, that there is no event from which Your will is absent, and that we can trust Your ultimate purpose for us to be loving and just. We pray this day that we might become a part of Your plan in creation. That what we do in our public lives and in our private lives may enhance Your purpose and intent for the universe. Help us, by Your spirit, to find where You are working in the

world, and then give us the will and the courage to join You there in working toward the kingdom promised by Your prophets. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harris of Mecklenburg and Staton for today.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Gray and Wright:

S. B. 14, a bill to eliminate mandatory retirement at age 70 for persons covered under the State Employees or Local Government Employees Retirement System.
Referred to **Pensions and Retirement Committee.**

By Senator Gray:

S. J. R. 15, a joint resolution requesting that the Governor of North Carolina consider the appointment of elderly citizens to State boards and commissions in fair proportion to their population with the State of North Carolina.
Referred to **State Government/Senior Citizens Committee.**

By Senator Gray:

S. J. R. 16, a joint resolution to permit the continuance of the work of the Legislative Research Commission's Study on the Problems of Aging as begun under Resolution 86 of the 1977 Session as amended by Resolution 106 of the 1977 Session and by Resolution 62 of the 1979 Session, and as reauthorized by Resolution 61 of the 1981 Session.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Gray:

S. B. 17, a bill to provide that members of Nursing Home Community Advisory Committee Members may be defended pursuant to Chapter 143 of the General Statutes.
Referred to **Judiciary I Committee.**

By Senator Gray:

S. B. 18, a bill to amend Domiciliary Home Community Advisory Committees.
Referred to **Human Resources Committee.**

By Senator Gray:

S. B. 19, a bill to make certain changes in the Governor's Advisory Council on Aging.
Referred to **State Government/Senior Citizens Committee.**

By Senator Gray:

S. B. 20, a bill concerning use of school buses by senior citizens groups.
Referred to **State Government/Senior Citizens Committee.**

By Senators Gray and Wright:

S. B. 21, a bill to allow an income tax deduction for amounts paid to maintain certain parents aged 65 or over.
Referred to **Finance Committee.**

By Senators Hardison, Royall, Tison, Jordan, Edwards of Guilford, Swain, Lawing, and Edwards of Caldwell:

S. B. 22, a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies.
Referred to **Appropriations Committee.**

By Senators Hardison, Royall, Tison, Jordan, Edwards of Guilford, Swain, Lawing, and Edwards of Caldwell:

S. B. 23, a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes.
Referred to **Appropriations Committee.**

By Senator Allsbrook:

S. R. 24, a Senate resolution expressing the will of the North Carolina Senate that a chaplain, whose salary be paid from already appropriated State funds, be employed for the Senate.
Referred to **Rules and Operation of the Senate Committee.**

On motion of Senator Lawing, seconded by Senator Speed, the Senate adjourns in loving memory of Representative Samuel Bundy, to meet tomorrow at 1:00 P.M.

SEVENTH DAY

SENATE CHAMBER,
Thursday, January 20, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we confess that we are sometimes content with an easy acceptance of present realities, rather than dreaming of what might be. Help us to have a vision of the future that is worthy of Your confidence and trust in us. Grant us a hope that sees beyond the suffering and strife of this present age, that stirs us up to be more than what we have been, that frees us from the tyranny of doubt and fear of an uncertain future. Help us to dream, to see visions, to marvel at the possibilities You have placed within the human spirit, that we may be faithful to Your intentions for us in creation, and give You honor and glory in all that we do. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Harris of Mecklenburg for today. Leaves of absence granted previously to Senators Thomas of Craven and Johnson are noted.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Barnes of Forsyth and Martin:

S. J. R. 25, a joint resolution authorizing the Legislative Research Commission to study the feasibility of a statewide lottery.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Walker and Hunt:

S. B. 26, a bill to provide that vacancies on the Moore County Board of Education be filled by that Board, rather than by the County Commissioners.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Walker and Hunt:

S. B. 27, a bill to abolish the Office of Coroner in Moore County subject to a referendum.
Referred to **Local Govenment and Regional Affairs Committee.**

By Senators Redman and Ballenger:

S. B. 28, a bill to extend the hours during which the intentional sweeping of game lands with lights and the intentional shining of lights on deer are prohibited in Iredell County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

On motion of Senator Lawing, seconded by Senator Jenkins, the Senate adjourns to meet tomorrow at 10:30 A.M.

EIGHTH DAY

SENATE CHAMBER,
Friday, January 21, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, as we prepare to close another week's activity in this place, we come to You with prayers of thanksgiving for the leadership of Your Holy Spirit, and with humble confession for what we may have done that offends Your sense of justice, mercy, and compassion. We know that we are imperfect creatures, likely to fail even when we attempt to give our best. Accept we pray, our efforts to follow your leadership. Bless those things we have done that are within Your will. Forgive that which is outside Your will. Help us to use the weekend ahead as a time of refreshment, rest, and worship in

which we may draw close unto You and receive strength for tasks that lie yet ahead. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Allsbrook, Harrington, Harris of Cleveland, Marion, Rauch, Soles, and Tison, for today.

Leaves of absence granted previously to Senators Harris of Mecklenburg and Thomas of Craven are noted.

The President appoints Senators Barnes, Hardison, Jenkins, and Alford as a delegation representing the Senate of the North Carolina General Assembly at the funeral of Representative Samuel D. Bundy which will be held today.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Walker, Vice-Chairman, for Senator Harris of Cleveland, for the **Human Resources Committee:**

S. B. 6, a bill to clarify the process of certain appeals by area mental health, mental retardation and substance abuse authorities, with a favorable report.

S. B. 8, a bill to authorize the Department of Human Resources to act as contractual intermediary with the federal government to assist recovery by counties of interim welfare payments, with a favorable report.

S. B. 10, a bill to amend G. S. 108A-24, 108A-41, and 108A-42 to clarify public assistance program disability, with a favorable report.

S. B. 11, a bill to allow area mental health, mental retardation, and substance abuse board membership to include up to twenty-five members, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Winner, Swain, Rand, Tison, Barnes of Wayne, Rauch, Marvin, Thomas of Henderson, Tally, Ward, Hipps, Martin, Walker, Jenkins, Soles, and Allsbrook:

S. B. 29, a bill permitting a court to order child support payments to continue for as long as the child is in high school.
Referred to **Judiciary II Committee.**

By Senators Thomas of Henderson and Hipps:

S. B. 30, a bill to set a mandatory sentence for anyone who assaults a law enforcement officer.

Referred to **Judiciary I Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. J. R. 54, a joint resolution inviting His Excellency, Governor James B. Hunt, Jr., to address a Joint Session of the Senate and House of Representatives at 2:00 P.M., Tuesday, January 25, 1983.

On motion of Senator Lawing, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

Senator Lawing offers Amendment No. 1 which is adopted (electronically recorded).

The joint resolution, as amended, passes its second (electronically recorded) and third readings and is ordered returned to the House of Representatives by special messenger for concurrence in Senate Amendment No. 1.

On motion of Senator Lawing, seconded by Senator Hipps, the Senate adjourns to meet Monday at 8:00 P.M.

NINTH DAY

SENATE CHAMBER,
Monday, January 24, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend H. Edwin Pickard, Pastor of White Memorial Presbyterian Church, as follows:

"Lord God, we humbly bow here in prayer near the beginning of a new Legislative Session. Help us to dream dreams of things that can make for a better State, but deliver us from impossible dreams. Enable our Legislators to recognize the things that are needed by all the people of North Carolina, but deliver them from showing partiality to pet segments of our society. Inspire them to fix the things that need fixing, but show them, too, the things that are best left as they are.

"You know, better than we, O God, that we already have a whole lot of laws. Help our Legislature not just to fashion more laws but better laws; protecting the rights of all of our people, correcting injustices, demonstrating compassion, promoting peace. Enable them to unsnarl the legislative tangles of the past. Grant them good judgment to recognize the things that don't need doing, the vision to perceive the things that must be done, and the wisdom to tell the difference.

"Help us that this may be a good week in the legislative work of our General Assembly. Bless and keep our families back home. We pray in our Lord's name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harrington and Ballenger for tonight, to Senator Plyler for Tuesday, January 25, and to Senator Daniels for Tuesday and Wednesday, January 25 and 26. Senator Ballenger is noted present for a portion of tonight's Session.

The President recognizes the following pages serving in the Senate this week: Susan Barr, Wake Forest; Diana Best, Pikeville; Charles Davis, Raleigh; Jennifer Davis, Salisbury; Vickie Christine Duke, Salisbury; Julie Eubanks, Durham; Kimberly Ann McNeill, Raeford; Mary Elizabeth McNeill, Raeford; Philip Montgomery, Winston-Salem; John Gray Blount Myers IV, Kill Devil Hills; Todd Patton, Canton; Adair Pulley, Raleigh; James Butler Rizoti, Wilkesboro; Kathy Rae Stanley, Stoneville; Katy Walton, Gastonia; Wally Gray White, Eden; and Carter Woollen, Charlotte.

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H. J. R. 54, a joint resolution inviting His Excellency, Governor James B. Hunt, Jr., to address a Joint Session of the Senate and House of Representatives at 2:00 P.M., Tuesday, January 25, 1983. (Res. 2)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 54

HOUSE OF REPRESENTATIVES
January 24, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H. J. R. 54** — A JOINT RESOLUTION INVITING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT 2:00 P.M., TUESDAY, JANUARY 25, 1983, the Speaker has appointed the following members of the House of Representatives to serve with a like Committee of the Senate to invite, greet and escort the Governor to the Joint Session:

Representative Allen Barbee
Representative Jeanne Fenner
Representative Joe Mavretic
Representative Tom Matthews

Respectfully,
GRACE A. COLLINS
Principal Clerk

The President orders a Special Message sent to the House of Representatives informing that Honorable Body that pursuant to **H. J. R. 54,** a joint resolution inviting His Excellency, Governor James B. Hunt, Jr., to address a Joint Session of the Senate and

House of Representatives at 2:00 P.M., Tuesday, January 25, 1983, the following members of the Senate are appointed to serve with a like Committee of the House of Representatives to invite, greet, and escort the Governor to the Joint Session: Senators Harris of Cleveland, Warren, Guy, and Rauch.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 6, a bill to clarify the process of certain appeals by area mental health, mental retardation and substance abuse authorities.

The bill passes its second (electonically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 8, a bill to authorize the Department of Human Resources to act as contractual intermediary with the federal government to assist recovery by counties of interim welfare payments.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 10, a bill to amend G. S. 108A-24, 108A-41, and 108A-42 to clarify public assistance program disability.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 11, a bill to allow area mental health, mental retardation, and substance abuse board membership to include up to twenty-five members.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

On motion of Senator Lawing, seconded by Senator Hipps, the Senate adjourns to meet tomorrow at 1:30 P.M.

TENTH DAY

SENATE CHAMBER,
Tuesday, January 25, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Jack Coffey, Pastor of New Hope Baptist Church, Raleigh, as follows:

"O Holy God, Our Merciful Father, it is an awesome thing to stand in the presence of power as is represented here. Yet impress upon us an awareness of Your presence that we all see ourselves before the King of Kings and Lord of Lords. Put to silence our clamorous thoughts that we may indeed be still and know that You are God.

"Our feet are planted in a world so full of change that we do not know what a day or an hour may bring forth. Yet from everlasting to everlasting You are God! If we fail to acknowledge Your guidance, forgive our foolish pride and suffer us not to trust in our own might, lest following selfish aim we invite disaster.

January 25, 1983

"Purge away our vanity, intolerance, and unforgiving spirit which keep us apart. As human need is one, grant that the spirit of Jesus may break down all barriers. Give us strength for our burdens, wisdom for our responsibilities, insight for our times, and faith sufficient for the larger claims of life, that in all our strivings for right decisions we may be conscious of our fellowship with you. Purify our vision that we may know as we are known, and increase our faith that we may lean wholly upon You.

"Rule now, we pray, the hearts of these with whom we now bow, that they may rightly use the trust committed to them for the good of all people. Raise up among us fearless persons who know that only in the doing of Your will can we find peace, joy, happiness, and the betterment of mankind. Make Your will plain and give all the courage to do it. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Harris of Mecklenburg for today.

Leaves of absence granted previously to Senators Daniels and Plyler are noted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 5, a bill to transfer responsibility for collecting income and franchise taxes on savings and loan associations from the Savings and Loan Division of the Department of Commerce to the Department of Revenue.
Referred to **Finance Committee.**

H. B. 17, a bill to ensure that organizations that are exempt from federal income tax are also exempt from state corporate income and franchise tax.
Referred to **Finance Committee.**

H. B. 19, a bill to allow lessors of motor vehicles to assume primary responsibility for payment of the special fuels and highway use taxes.
Referred to **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 54 HOUSE OF REPRESENTATIVES
January 25, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H. J. R. 54,** A JOINT RESOLUTION INVITING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., TO ADDRESS A JOINT SESSION OF THE

SENATE AND HOUSE OF REPRESENTATIVES AT 2:00 P.M., TUESDAY, JANUARY 25, 1983, the House of Representatives stands ready to receive the Senate in Joint Session at the hour appointed.

Respectfully,
GRACE A. COLLINS
Principal Clerk

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House, there to sit in Joint Session with that Honorable Body for the purpose of receiving the Governor's message pursuant to H. J. R. 54.

On motion of Senator Lawing, seconded by Senator Swain, the Senate recesses to meet in Joint Session in the House of Representatives, for the purpose of receiving the Governor's message and upon dissolution of the Joint Session, to stand adjourned to meet tomorrow at 1:30 P.M.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing, and the Joint Session is called to order by the Honorable James C. Green, Lieutenant Governor.

The President recognizes Sergeant-at-Arms of the House of Representatives, who announces the presence of His Excellency, Governor James B. Hunt, Jr. The President presents Governor Hunt, who delivers his Special Message on Crime. (Pursuant to H. J. R. 54, the text of the address appears in the Appendix.)

On motion of Senator Lawing, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate adjourns to meet tomorrow at 1:30 P.M.

ELEVENTH DAY

SENATE CHAMBER,
Wednesday, January 26, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Stephen Gerhard, Holy Trinity Lutheran Church, Raleigh, as follows:

"Almighty God keep this State under your care. Bless its leaders that we may be a people at peace among ourselves. As You have promised since the days of Abraham to be with us always in every place, enable us to recognize Your presence here, and thus seize the opportunities You give in this place to do justice, love kindness and walk humbly before You.

"Grant common purpose to these leaders and their electorate that the task of governance may be accepted by each of us in our several ways. When in this Body that task

gives rise to a struggle between the dictates of conscience and the demands of constituents, give courage and wisdom. Enable decisions made here to contribute to the general welfare, so that those who serve here may do so faithfully in their generation to the honor of Your Holy Name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Edwards of Caldwell and to Senator Harris of Cleveland for today. A leave of absence granted previously to Senator Daniels is noted.

CONSENT TO APPOINTMENTS

Senator White, Chairman of the **Agriculture Committee,** submits the following report:

REPORT OF SENATE ARGICULTURE COMMITTEE ON APPOINTMENTS TO THE STATE BOARD OF AGRICULTURE

The Senate Committee on Agriculture, which has been charged by the Lieutenant Governor with the duty of inquiring into the qualifications and fitness of persons appointed by the Governor in cases where appointments are subject to consent by the Senate of the General Assembly, reports as follows:

The Senate Agriculture Committee recommends that in compliance with G. S. 106-2, that the members of the Senate vote to give consent to the following appointments of the Governor to membership on the State Board of Agriculture:

Larry Bernard Wooten of Currie, North Carolina
(For a term to expire May 4, 1987)

Ronald Willard of High Point, North Carolina
(For a term to expire May 4, 1985)

S/ VERNON E. WHITE
Chairman
Senate Agriculture Committee

On motion of Senator White the Senate adopts the recommendations of the **Agriculture Committee.**

The Senate consents to the appointments of Larry Bernard Wooten and Ronald Willard as members of the State Board of Agriculture by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 47.

Voting in the negative: None.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate,

read the first time, and disposed of as follows:

By Senator Harris of Cleveland:

S. B. 31, a bill to make a technical amendment to the Termination of Parental Rights Statute.
Referred to **Judiciary I Committee.**

By Senator Harris of Cleveland:

S. B. 32, a bill to amend Chapter 110 of the General Statutes to provide for the use of unemployment compensation benefits for child support.
Referred to **Judiciary I Committee.**

By Senator Harris of Cleveland:

S. B. 33, a bill to authorize the Department of Human Resources to compromise accounts, fix payments and determine who is able to pay for services rendered to the public.
Referred to **Human Resources Committee.**

By Senator Kincaid:

S. B. 34, a bill to amend the North Carolina Constitution to limit the number of days the General Assembly may remain in session each year.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Lawing and Tison:

S. B. 35, a bill pertaining to the number, election, term and classification of State bank directors.
Referred to **Banking Committee.**

By Senators Lawing, Royall, Harris of Cleveland, Allsbrook, Marvin, Hardison, Warren, Edwards of Caldwell, Rand, Winner, Hancock, Jenkins, Speed, Alford, Guy, Parnell, Soles, Hunt, Allred, Martin, Barnes of Wayne, Childers, Thomas of Henderson, Rauch, Ballenger, Edwards of Guilford, Thomas of Craven, Redman, Ward, Gray, Walker, Staton, Barnes of Forsyth, Duncan, Johnson, White, Plyler, Hipps, Woodard, Kincaid, Wright, Davis, and Harris of Mecklenburg:

S. B. 36, a bill to provide for four-year terms for members of the University of North Carolina Board of Governors.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Alford, Parnell, Edwards of Caldwell, Plyler, Tison, and Warren:

S. B. 37, a bill to establish a Computer Commission and to give this Commission authority over information processing.
Referred to **State Government Committee.**

By Senators Jenkins, Harris of Cleveland, Edwards of Caldwell, Lawing, Thomas of Craven, Hunt, Duncan, Tally, Winner, Rand, and Woodard:

S. B. 38, a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as certified social workers: creating a State

Board of Examiners for social workers: defining the functions and duties of that Board: and providing for penalties.

Referred to **Human Resources Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 7, a bill regarding the distribution of intangible tax revenue collected during Fiscal Year 1982-83.

Referred to **Finance Committee**

H. B. 8, a bill to provide an optional privilege license tax for persons engaged in retail variety sales businesses for which privilege licenses are required.

Referred to **Finance Committee.**

H. B. 15, a bill to allow Haywood County Hospital to obtain semiannual refunds of sales and use taxes instead of annual refunds.

Referred to **Finance Committee.**

H. B. 24, a bill to provide alternative beginning dates for parcel identifier indexes.

Referred to **Finance Committee.**

On motion of Senator Lawing, seconded by Senator Marion, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWELFTH DAY

SENATE CHAMBER,
Thursday, January 27, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Dr. S. R. Johnson, Pastor of Mount Zion Baptist Church, Salisbury as follows:

"Our Heavenly Father, we thank Thee for this great privilege to call upon Thy Holy Name through our precious Lord and Saviour Jesus Christ, at the opening of today's Session of the North Carolina State General Assembly.

"We knowest that Thou doth govern in the affairs of men. Thou knowest our needs and how inadequate we feel ourselves to be in the presence of a troubled State and world and the challenges of this hour even here in the great State of North Carolina.

"Please Lord be with this State at this most crucial hour that it might take its rightful place among the people, strong, and freed, and great, and good.

"Forgive our rebellion against all that which is unpleasant — against discipline, disappointment, and disillusionment. Teach us to learn the lessons in life by which our spirits

can grow that Thyself be made known through North Carolina. Lead us, we pray Thee, to a deeper understanding of Thy will for us and our world. May we constantly walk with Thee as we seek to continue to search for a solution for our present world dilemma.

"By the power of Thy Holy Spirit reinforce the Governor, the Lieutenant Governor, the elected Senators, the respective Representatives, their counselors, and all others in positions of authority in North Carolina that judgement might run down as waters, and righteous as a mighty stream, that every American rich or poor, Greek or Gentile will know that this our State of North Carolina is the State of true Democracy symbolizing the ideals of our founding fathers who believed that our government is of the people, for the people, and by the people.

"This we pray in the Master's Name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Jordan and Rauch for today and to Senators Kincaid, Rauch, and White for tomorrow.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 9, a bill to amend Chapter 110 of the General Statutes to ensure access to the Federal Parent Locator Services in parental kidnapping and child custody cases, with a favorable report.

S. B. 12, a bill to require that parental consents to adoptions be duly sworn, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Marvin, Barnes of Forsyth, Daniels, Gray, Guy, Hancock, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Jordan, Martin, Rand, Rauch, Redman, Tally, Thomas of Henderson, Tison, Walker, Ward, Winner, and Woodard:

S. B. 39, a bill to amend Chapter 39 to further equalize between married persons the right to income, possession and control in property owned concurrently in tenancy by the entirety.

Referred to **Judiciary II Committee.**

By Senator Harrington:

S. B. 40, a bill to amend Chapter 66, Article 19, Business Opportunity Sales.

Referred to **Judiciary II Committee.**

By Senator Ballenger:

S. B. 41, a bill to appropriate funds to allow the Attorney General to settle a claim arising out of a 1978 motor vehicle accident in Catawba County.
Referred to **Appropriations Committee.**

By Senators Davis, Allred, Barnes of Wayne, Barnes of Forsyth, Childers, Redman, Staton, and Wright:

S. B. 42, a bill prohibiting revocation of the natural parent's consent to an adoption.
Referred to **Judiciary III Committee.**

By Senator Barnes of Wayne:

S. B. 43, a bill to simplify and codify the Rules of Evidence.
Referred to **Judiciary III Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of as follows:

H. B. 23, a bill to authorize a beginning date for the Orange County parcel identifier index.
On motion of Senator Walker, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.
The bill passes its second and third readings and is ordered enrolled.

On motion of Senator Lawing, seconded by Senator Edwards of Guilford, the Senate adjourns to meet tomorrow at 10:30 A.M.

THIRTEENTH DAY

SENATE CHAMBER,
Friday, January 28, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Harrington for today. Leaves of absence granted previously to Senators Harris of Mecklenburg, Kincaid, Rauch, and White are noted.

APPOINTMENT OF COMMITTEES

Changes in committee appointments are noted as follows:

AGRICULTURE COMMITTEE: Senator Warren is appointed a Vice-Chairman.

APPROPRIATIONS COMMITTEE: Senator White is appointed a Vice-Chairman.

APPROPRIATIONS COMMITTEE/JUSTICE AND PUBLIC SAFETY: Senator Edwards of Guilford is added as a member. Senator Kincaid is removed.

APPROPRIATIONS COMMITTEE/NATURAL AND ECONOMIC RESOURCES: Senator Marvin is appointed a Vice-Chairman. Senator Kincaid is added as a member. Senator Edwards of Guilford is removed.

BASE BUDGET COMMITTEE: Senator Royall is appointed a Vice-Chairman. Senator Tison is appointed a Vice-Chairman.

EDUCATION COMMITTEE: Senator Childers is removed.

HIGHER EDUCATION COMMITTEE: Senator Ward is added as a member. Senator Wright is removed.

HUMAN RESOURCES COMMITTEE: Senator Hancock is added as a member.

JUDICIARY I COMMITTEE: Senator Allred is added as a member.

JUDICIARY II COMMITTEE: Senators Johnson and Wright are added as members. Senator Allred is removed.

JUDICIARY III COMMITTEE: Senator Woodard is added as a member, Senator Johnson is removed.

JUDICIARY III/LAW ENFORCEMENT AND CRIMINAL JUSTICE COMMITTEE: Senator Woodard is added as a member. Senator Tison is removed.

LOCAL GOVERNMENT AND REGIONAL AFFAIRS COMMITTEE: Senator Barnes of Forsyth and Senator Harris of Mecklenburg are added as members. Senators Swain, White, and Barnes of Wayne are removed.

MANUFACTURING, LABOR AND COMMERCE COMMITTEE: Senator Rand is added as a member.

PUBLIC UTILITIES AND ENERGY COMMITTEE: Senator Tison is added as a member. Senator Parnell is removed.

RULES AND OPERATION OF THE SENATE COMMITTEE: Senators Jordan, Thomas of Craven, Marion, and White are added as members.

STATE GOVERNMENT COMMITTEE: Senator Walker is added as a member.

STATE GOVERNMENT/ELECTION LAWS COMMITTEE: Senator Walker is added as a member.

WAYS AND MEANS COMMITTEE: Senator Plyler is added as a member.

WAYS AND MEANS/SMALL BUSINESS COMMITTEE: Senator Martin is removed.

WAYS AND MEANS/TRANSPORTATION COMMITTEE: Senator White is added as a member.

January 28, 1983

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Alford, Edwards of Caldwell, Parnell, Plyler, Tison, and Warren:

S. J. R. 44, a joint resolution authorizing the Legislative Research Commission to continue to study information processing resources in State government.
Referred to **State Government Committee.**

By Senators Hancock and Royall:

S. B. 45, a bill to make technical amendments to G. S. 122-35.53, Allocation of Funds to Area Programs.
Referred to **Human Resources Committee.**

By Senator Redman:

S. B. 46, a bill to provide that referenda on proposed constitutional amendments be held only on the date of the statewide general election.
Referred to **Judiciary II/Constitutional Amendments Committee.**

By Senator Jordan:

S. B. 47, a bill to clarify the authority of departmental heads to adopt rules and policies.
Referred to **State Government Committee.**

By Senator Jordan:

S. B. 48, a bill to allow "P. C." in a corporate name.
Referred to **State Government Committee.**

By Senator Jordan:

S. B. 49, a bill relating to the initial appointment of notaries public.
Referred to **State Government Committee.**

By Senator Jordan:

S. B. 50, a bill to amend the powers of the Commissioner of Insurance to regulate health maintenance organizations.
Referred to **Insurance Committee.**

By Senators Royall and Marvin:

S. B. 51, a bill to enact the North Carolina Anti-Recession Public Works and Tax Equity Act of 1983.
Referred to **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 6, a bill to allow the Secretary of Revenue to make contracts concerning the handling of bulk mail.

Referred to **State Government Committee.**

H. B. 29, a bill to provide that vacancies on the Moore County Board of Education be filled by that Board, rather than by the County Commissioners.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 9, a bill to amend Chapter 110 of the General Statutes to ensure access to the Federal Parent Locator Services in parental kidnapping and child custody cases.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 12, a bill to require that parental consents to adoptions be duly sworn.

On motion of Senator Harris of Cleveland, the bill is recommitted to the **Human Resources Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H. B. 23, an act to authorize a beginning date for the Orange County parcel identifier index. (Ch. 3)

On motion of Senator Lawing, seconded by Senator Barnes of Wayne, the Senate adjourns to meet Monday at 8:00 P.M.

FOURTEENTH DAY

SENATE CHAMBER,
Monday, January 31, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Mighty God, fill us, we pray, with the same fire and zeal for doing good that filled the prophets and martyrs of old. Make us brave to do Your will even in the face of adversity, and strong to stand for what is right when others fall away. Be with the members of this Senate, O God, as they begin another week of work in this place. Help them to separate the kernel of wisdom and truth from the chaff of pretense, that they may lead us all in integrity and intelligence. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Hunt and Rauch for tonight.

The President recognizes the following pages serving in the Senate this week: Ellen S. Burgin, Marion; Pamela Michelle Fulton, Kernersville; Angela Patrice Godwin, Middlesex; Jeffrey Nichols Godwin, Middlesex; Christopher William Haga, Raleigh; Shellena Jackson, Raleigh; Lisa Lynn Lee, Clayton; Elizabeth MacFadyen, Raleigh; Jody Lynn McLeod, Clayton; William Kenneth Neighbors III, Benson; James Patterson, Raleigh; David Reid Rickman Jr., Siler City; Mary Catherine Smith, Cary; Linwood Smith, Rocky Mount; Ramona Katherine Smith, Stoneville; Loura DeLisa Thompson, Fairmont; and Julie Anne Yarbro, Kings Mountain.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Harris of Cleveland:

S. B. 52, a bill to increase the membership of the Commission on Children With Special Needs.
Referred to **Human Resources Committee.**

By Senators Wright and Ballenger:

S. B. 53, a bill to provide for the seizure of any motor vehicle being driven by a person who is driving under the influence of alcoholic beverages or drugs.
Referred to **Judiciary III Committee.**

By Senator Warren:

S. B. 54, a bill to amend the authority to set fees for the Board of Medical Examiners.
Referred to **Finance Committee.**

By Senator Warren:

S. B. 55, a bill to set fee limits for the Board of Nursing Home Administrators.
Referred to **Finance Committee.**

By Senator Warren:

S. B. 56, a bill to authorize property owner participation in the costs of road maintenance, improvements, additions and acquisition of right-of-way.
Referred to **Ways and Means/Transportation Committee.**

By Senators Jenkins, Gray, Guy, Hunt, Lawing, Marvin, Redman, Tison, and Winner:

S. B. 57, a bill to repeal the sunset provision in the 1981 Act changing the rate of interest in the Consumer Finance Act.
Referred to **Banking Committee.**

On motion of Senator Lawing, seconded by Senator Harrington, the Senate adjourns to meet tomorrow at 1:30 P.M.

FIFTEENTH DAY

SENATE CHAMBER,
Tuesday, February 1, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we come before You as a people who often get caught by our lack of self-understanding. Sometimes we believe that we can do all things through our own power, and so we do not call on You until we get into trouble. At other times we sink into a despair that will not let us believe even in Your power to save us. Help us, we pray, to find a right balance between unholy pride and self abasement. We are Your children, we are made in Your image, You have created us to be worthy of the tasks You set before us. Help us to know our strengths and weaknesses, that we shall be neither intimidated by the seriousness of our tasks nor take too lightly our need of Your help. Be with us in wisdom, in power, in might for all that You expect us to be in Your world. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 32, a bill to amend Chapter 110 of the General Statutes to provide for the use of unemployment compensation benefits for child support, with a favorable report.

By Senator Soles for the **Judiciary II Committee:**

S. B. 29, a bill permitting a court to order child support payments to continue for as long as the child is in high school, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Henderson:

S. B. 58, a bill to amend G. S. 20-286(11) relating to the definition of motor vehicle dealer.

Referred to **Ways and Means/Transportation Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 112, a bill to appoint four members to the Board of Education of the Whiteville City School Administrative Unit.

On motion of Senator Soles, the rules are suspended, (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H. B. 112, an act to appoint four members to the Board of Education of the Whiteville City School Administrative Unit. (Ch. 4)

On motion of Senator Lawing, seconded by Senator Guy, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTEENTH DAY

SENATE CHAMBER,
Wednesday, February 2, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Neil H. Bain, Pastor of Ernest Myatt Presbyterian Church as follows:

"Great God of Power and Wisdom, You are caring and compassionate beyond belief. Give us wisdom and power to avert the assault of worldly interests. Endow us with caring and compassion that will enable us to make fair and just decisions. May Your Spirit and our spirit be one. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harris of Cleveland and Staton for today and to Senator Hunt for Wednesday, Thursday, and Friday, February 2, 3, and 4, due to the death of her father, Mr. Farrall Holder of Bakersville.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 7, a bill to clarify liability for payment for long-term hospitalized children, with a favorable report.

S. B. 12, a bill to require that parental consents to adoptions be duly sworn, with a favorable report, as amended.

S. B. 18, a bill to amend Domiciliary Home Community Advisory Committees, with a favorable report.

S. B. 33, a bill to authorize the Department of Human Resources to compromise accounts, fix payments and determine who is able to pay for services rendered to the public, with a favorable report.

S. B. 45, a bill to make technical amendments to G. S. 122-35.53, Allocation of Funds to Area Programs, with a favorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. R. 24, a Senate resolution expressing the will of the North Carolina Senate that a chaplain, whose salary be paid from already appropriated State funds, be employed for the Senate with recommendation for adoption.

By Senator Hancock for the **State Government Committee:**

S. B. 48, a bill to allow "P. C." in a corporate name, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Harris of Cleveland:

S. B. 59, a bill to increase the membership of the Commission on Children with Special Needs—2.
Referred to **Human Resources Committee.**

By Senator Ballenger:

S. B. 60, a bill to impose a privilege license tax on operators of electronic video games.
Referred to **Finance Committee.**

By Senator Jenkins:

S. B. 61, a bill to shift the burden of proof in a Coastal Resources Commission hearing.
Referred to **Judiciary I Committee.**

By Senator Jenkins:

S. B. 62, a bill to provide that a technician with a general license can test speed-measuring instruments.
Referred to **Judiciary I Committee.**

By Senators Harris of Cleveland, Allred, Gray, Hancock, Hardison, Harris of Mecklenburg, Kincaid, Marvin, Redman, Royall, Walker, Ward, and White:

S. B. 63, a bill to amend G. S. 122-58.7 to require the District Attorney to provide counsel for the State for involuntary commitment hearings held in the county of origin of the commitment proceedings.

Referred to **Judiciary I Committee.**

By Senators Ward, Allsbrook, Gray, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Jordan, Marvin, Plyler, Rand, Redman, Royall, Tally, Walker, Warren, and White:

S. J. R. 64, a joint resolution encouraging health insurance carriers to offer and promote coverage for mental health and related services.
Referred to **Human Resources Committee.**

By Senators Edwards of Caldwell and Lawing:

S. B. 65, a bill to charge a fee for court acceptance of child support payments.
Referred to **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 26, a bill to allow operation of a snack bar and cafeteria in the State Legislative Building and delete the authorization for concession stands in the State Capitol while the Legislature is in session.
Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 29, a bill permitting a court to order child support payments to continue for as long as the child is in high school.
On motion of Senator Soles, Committee Amendment No. 1 is adopted.
The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 32, a bill to amend Chapter 110 of the General Statutes to provide for the use of unemployment compensation benefits for child support.
On motion of Senator Allsbrook, the bill is recommitted to the **Judiciary I Committee.**

On motion of Senator Lawing, seconded by Senator Parnell, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTEENTH DAY

SENATE CHAMBER,
Thursday, February 3, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Creator God, we are obsessed these days about energy — the cost of it, the amount of it, the distribution of it. Most often the energy we are concerned about is that which is used by machines — to move us, to manufacture what we want, to keep us warm. Today, we pray not for that kind of energy, but for that which is needed by the people in this room. We ask for physical energy to deal with the mounds of paper, the telephone calls, the constituent visitors, the lobbyists that demand a piece of these lives. We pray for spiritual energy that renews and refreshes when the demands seem more than human beings can live up to. We ask for moral energy that will not give in, but keeps on challenging and giving strength for standing by convictions. We pray for all who know their need of You, that trusting in Your power, they may have all the energy they need to do the work You have called them to do. Amen."

Senator Jenkins for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Childers, Parnell, Plyler, and White for today and tomorrow, February 4. A leave of absence granted previously to Senator Hunt is noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their palce on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee:**

S. B. 39, a bill to amend Chapter 39 to further equalize between married persons the right to income, possession and control in property owned concurrently in tenancy by the entirety, with a favorable report, as amended.

On motion of Senator Soles, the bill is placed on the Calendar for Wednesday, February 9.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Martin:

S. J. R. 66, a joint resolution authorizing the Legislative Research Commission to study the feasibility of utilizing volunteers to help provide government services.

Referred to **State Government Committee.**

By Senators Tison, Edwards of Caldwell, Jenkins, and Lawing:

S. B. 67, a bill to make the Charitable Solicitation Licensure Act inapplicable to certain foundations and trusts.

Referred to **Human Resources Committee.**

By Senators Winner, Barnes of Wayne, Davis, Hipps, Jenkins, Johnson, Martin, Rand, and Swain:

S. B. 68, a bill to amend and clarify the penalties for driving on a permanently revoked license.

Referred to **Judiciary II Committee.**

By Senators Tally, Ballenger, Barnes of Wayne, Childers, Davis, Edwards of Caldwell, Jordan, Marion, Parnell, Plyler, Rand, Redman, Walker, and Winner:

S. B. 69, a bill to appropriate funds to the Division of Mental Health, Mental Retardation and Substance Abuse Services, Department of Human Resources, for the purpose of promoting equalization of State appropriated matching funds to area authorities.

Referred to **Human Resources Committee.**

By Senators Tison, Lawing, and Rand:

S. B. 70, a bill allowing members of the Police Reserve and Police Auxiliary to carry concealed weapons.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

By Senators Rand, Barnes of Wayne, Davis, Duncan, Guy, Hancock, Hardison, Hipps, Johnson, Jordan, Lawing, Marion, Marvin, Parnell, Redman, Royall, Soles, Staton, Tally, Thomas of Craven, Walker, Ward, Warren, Winner, and Woodard:

S. B. 71, a bill to increase the partial property tax exclusion for residences of disabled veterans.

Referred to **Finance Committee.**

By Senator Allsbrook:

S. B. 72, a bill to make dogs and other animals belonging to another subject to the larceny provisions of G. S. 14-72.

Referred to **Judiciary I Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 86, a bill to allow corporations to deduct the amount by which the basis of certain property is reduced by a federal tax credit.

Referred to **Finance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 7, a bill to clarify liability for payment for long-term hospitalized children.

The bill passes it second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 12, a bill to require that parental consents to adoptions be duly sworn.

On motion of Senator Harris of Cleveland, Committee Amendment No. 1 is adopted.

On motion of Senator Soles, the bill, as amended, is re-referred to the **Judiciary II Committee.**

S. B. 18, a bill to amend Domiciliary Home Community Advisory Committees.

Senator Gray offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) reading.

On objection of Senator Winner to its third reading the bill, as amended, remains on the Calendar for further consideration.

S. R. 24, a Senate resolution expressing the will of the North Carolina Senate that a chaplain, whose salary be paid from already appropriated State funds, be employed for the Senate, for adoption.

On motion of Senator Hancock, the Senate resolution is adopted (electronically recorded). (The text of this resolution appears in the Appendix.)

S. B. 33, a bill to authorize the Department of Human Resources to compromise accounts, fix payments and determine who is able to pay for services rendered to the public.

Senator Hancock offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 45, a bill to make technical amendments to G. S. 122-35.53, Allocation of Funds to Area Programs.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 48, a bill to allow "P. C." in a corporate name.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

On motion of Senator Lawing, seconded by Senator Soles, the Senate adjourns to meet tomorrow at 10:30 A.M.

EIGHTEENTH DAY

SENATE CHAMBER,
Friday, February 4, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, You have brought us safely through another week. We give You thanks for mercy that watches over us as a mother watches over her children, for grace that will not forget us even when we wander from Your ways, for wisdom that helps us to know what it is that You want us to do in Your world, for courage that helps us live by our understanding of Your will. Keep us close to You, O God, and constantly in touch with the power of Your Spirit. May the days of rest and worship ahead of us fill us with new life and hope for continuing to find and do Your will in our lives. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators, Rauch, Hardison, Walker, Harrington, Soles and Harris of Mecklenburg for today and to Senators Harris of Cleveland and Soles for Monday, February 7. Leaves of absence granted previously to Senators Childers, Hunt, Parnell, Plyler, and White are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 35, a bill pertaining to the number, election, term and classification of State bank directors, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Kincaid and Edwards of Caldwell:

S. B. 73, a bill to incorporate the Town of Cajah Mountian in Caldwell County.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Royall and Hancock:

S. B. 74, a bill to amend the requirements for receipt of service and disability retirement benefits from the Durham Firemen's Supplemental Retirement System.
Referred to **Pensions and Retirement Committee.**

By Senator Allsbrook:

S. B. 75, a bill regarding involuntary commitment of persons found incapable of proceeding or not guilty by reason of insanity.
Referred to **Judiciary I Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 20, a bill to tax all income of an exempt corporation that is unrelated to the basis of the corporation's exemption.
Referred to **Finance Committee.**

H. B. 64, a bill to allow the City of Winston-Salem to increase the tax levy on motor vehicles to a maximum of five dollars.
Referred to **Finance Committee.**

H. B. 65, a bill to amend the name of the Clinical Toxicological Laboratory located in Winston-Salem, North Carolina.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 89, a bill to eliminate double taxation of income in respect of a decedent.

Referred to **Finance Committee.**

H. B. 93, a bill to authorize the City of Winston-Salem to set the interest rate on local assessments in accordance with general law.

Referred to **Finance Committee.**

H. B. 103, a bill to provide that permits for pyrotechnic displays within incorporated municipalities in Forsyth County shall be granted by the city council instead of the county commissioners, and to provide that the county commissioners may delegate their permit granting powers relating to pyrotechnic displays and sales of explosives.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 18, a bill to amend Domiciliary Home Community Advisory Committees, as amended, upon third reading.

The bill, as amended, passes its third (electronically recorded) reading and is ordered engrossed and sent to the House of Representatives.

On motion of Senator Lawing, seconded by Senator Edwards of Caldwell, the Senate adjourns to meet Monday at 8:00 P.M.

NINETEENTH DAY

SENATE CHAMBER,
Monday, Februrary 7, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Michael Safley, Director of Youth and Young Adult Ministries, North Carolina Conference of the United Methodist Church, Raleigh, as follows:

"To the One in whom we believe and trust, we petition this prayer.

"Lord, as we look about us, we are confronted with what seems impossible circumstances of life. Many persons within our State, our districts, and our counties are unable to reach their potential or exercise their basic rights due to the selfishness of so many.

"Therefore, we ask for wisdom and wise counsel in all our decisions. That the decisions we make will be those that are for the betterment of ourselves and all those we represent as their servants.

"Lord, we give You special thanks for the responsibilities that we all share.

"Special thanks is also given for each unique and special person in these Chambers. For their tireless effort, countless hours, and commitment to justice.

"So often our families experience sacrifice and loss by not having our presence felt at home due to our commitments. Comfort and guide our families, for we know that no progress has ever been realized without sacrifice.

"Within the duration of our efforts, we know that each of us will experience victories and defeats, and innumerable frustrations. Whatever the results our efforts bring, Lord, enable us to be open to each other, and to be open to our differences, but most of all enable us to be open to the Spirit that dwells among and within us instructing us in righteousness and justice.

"In the midst of our busy schedules, our speaking engagements, committee meetings, budget hearings, public hearings, and all the other demands, Lord, we ask that we never lose sight of You or our purpose just as You never lose sight of us.

"We offer this prayer in the Name of our Eternal Counselor, our Guide, our Conscience, our Friend. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Duncan and Rauch for tonight and to Senator Duncan for tomorrow, February 8. Leaves of absence granted previously to Senators Soles and Harris of Cleveland are noted.

The President recognizes the following pages serving in the Senate this week: Christopher Patrick Adams, Durham; Leigh Barnhill, Tarboro; Brad Burmahl, Wilmington; Donna Michelle Colson, Jacksonville; Jonathan David Davis, Salisbury; Margaret Haven, Jacksonville; David Helwig, Chapel Hill; Allison Jackson, Dunn; Charles Randy Keater, Salisbury; Brian Lancaster, Farmville; Samuel P. McDonald, Southern Pines; Michael E. Nobles, Wilmington; Rebecca Elizabeth Owens, Arden; Bobby Reneger, Wilmington; Gregory Bryan Russell, Summerfield; Trice Moncelle Stansbury, Raleigh; Allison Warren, Roseboro; Derick Wilkins, Roper; and Vance Willis, Raleigh.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 31, a bill to make a technical amendment to the Termination of Parental Rights Statute, with a favorable report, as amended.

S. B. 32, a bill to amend Chapter 110 of the General Statutes to provide for the use of unemployment compensation benefits for child support, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hancock, Alford, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Daniels, Edwards of Guilford, Edwards of Caldwell, Guy, Harris of Cleveland, Harris of Mecklenburg, Hipps, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Ward, Warren, and Winner:

S. R. 76, a Senate resolution requesting the Joint Legislative Commission on Governmental Operations to study the feasibility of limiting the length of Legislative Sessions and other related matters, and to report its findings and recommendations to the General Assembly by March 15, 1983.

On motion of Senator Hancock, the resolution is placed before the Senate for immediate consideration.

On motion of Senator Hancock, the Senate resolution is adopted. (The text of this resolution appears in the Appendix.)

By Senator Martin:

S. B. 77, a bill providing for alternative means of dispute resolution.
Referred to **Judiciary II Committee.**

By Senator Swain:

S. B. 78, a bill to amend the North Carolina Consumer Finance Act.
Referred to **Banking Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 81, a bill to authorize the Town of Valdese to exercise certain land acquisition and disposal procedures.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 84 (Committee Substitute), a bill to allow criminal sessions of Brunswick County Superior Court in facilities other than the Courthouse at the Brunswick County Government Center when the courtroom is inadequate for joint trial or hearing of multiple defendants.
Referred to **Judiciary III Committee.**

H. B. 114, a bill to allow the Margaret R. Pardee Memorial Hospial in Henderson County and Granville Hospital in Granville County to obtain semiannual refunds of sales and use taxes instead of annual refunds.
Referred to **Finance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 35, a bill pertaining to the number, election, term and classification of State bank directors.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

On motion of Senator Lawing, seconded by Senator Hunt, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTIETH DAY

SENATE CHAMBER,
Tuesday, February 8, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Great God, Your mercy is like an eternal stream of life-giving water, renewing and invigorating us for each new day's work. Remind us today that the work we are called to do affects the lives of many others, and that we have been selected and set apart by You for our work according to the abilities You have given us. Do not let us become callous, indifferent, or lazy in our work, even when it seems dull and routine. Help us to remember that whether we are legislators or secretaries, engineers or ditchdiggers, teachers or textile workers; the work we do is important to You and to the world in which You have placed us. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Soles for today. A leave of absence granted previously to Senator Duncan is noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their palce on the Calendar, as follows:

By Senator Jenkins for the **Insurance Committee:**

S. B. 50, a bill to amend the powers of the Commissioner of Insurance to regulate health maintenance organizations, with a favorable report.

On motion of Senator Jenkins, the bill is placed on the Calendar for Wednesday, February 16.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 61, a bill to shift the burden of proof in a Coastal Resources Commission hearing, with a favorable report.

S. B. 62, a bill to provide that a technician with a general license can test speed-measuring instruments, with a favorable report.

S. B. 72, a bill to make dogs and other animals belonging to another subject to the larceny provisions of G. S. 14-72, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 72** (Committee Substitute), a bill to make dogs and other animals in a person's possession the subject of larceny, is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, February 9.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time and disposed of as follows:

By Senators Davis, Alford, Childers, Edwards of Caldwell, Jenkins, Rand, and Winner:

S. B. 79, a bill to provide that the act of driving while impaired by alcohol or drugs shall constitute gross negligence allowing an injured party to recover punitive damages.

Referred to **Judiciary III Committee.**

By Senator Martin:

S. B. 80, a bill to make use of certain University of North Carolina escheat receipts more equitable.

Referred to **Higher Education Committee.**

Senator Jenkins moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Jenkins and Harris of Cleveland:

S. B. 83, a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as certified social workers: creating a State Board of Examiners for Social Workers: defining the functions and duties of that Board: and providing for penalties.

Referred to **Human Resources Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 31, a bill to make a technical amendment to the Termination of Parental Rights Statute.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted, changing the title to read **S. B. 31,** a bill to make amendments to the Termination of Parental Rights Statute.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

February 8, 1983

S. B. 32, a bill to amend Chapter 110 of the General Statutes to provide for the use of unemployment compensation benefits for child support.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

On motion of Senator Lawing, seconded by Senator Tison, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTY-FIRST DAY

SENATE CHAMBER,
Wednesday, February 9, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, we beseech You this day for the gift of insight. There are so many conflicting claims about what is good and right and proper, so many good people who disagree, so many varying predictions about how our actions will affect the future. We know, O God, that You are the source of all wisdom. We come to You, therefore, seeking a spirit of discernment. Help us to listen, to read, to observe the world carefully. Do not let us be moved to hasty action by the passions of the moment or flowery speech. Help us to be prudent, to be wise, and above all to seek Your counsel, that our decisions in every area of life shall be the best to which our intelligence, our faith and our study can lead us. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and its stands approved as written.

The President grants leaves of absence to Senators Childers and Soles for today.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senators Rauch and Duncan, for the **Finance Committee:**

H. B. 64, a bill to allow the city of Winston-Salem to increase the tax levy on motor vehicles to a maximum of five dollars, with a favorable report.

H. B. 93, a bill to authorize the City of Winston-Salem to set the interest rate on local assessments in accordance with general law, with a favorable report.

By Senator Staton, for the **State Government Committee:**

H. B. 6, a bill to allow the Secretary of Revenue to make contracts concerning the handling of bulk mail, with a favorable report.

By Senator Lawing, for the **Rules and Operation of the Senate Committee:**

H. B. 26, a bill to allow operation of a snack bar and cafeteria in the State Legislative Building and delete the authorization for concession stands in the State Capitol while the Legislature is in session, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Edwards of Caldwell:

S. B. 81, a bill to appropriate funds for the Brushy Mountain Apple Festival in Wilkes County.
Referred to **Appropriations Committee.**

By Senator Jordan:

S. B. 82, a bill to amend the qualifications for licensure in architecture.
Referred to **State Government Committee.**

By Senators Woodard, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Gray, Hancock, Hardison, Harris of Cleveland, Hipps, Johnson, Jordan, Plyler, Royall, Staton, Swain, Tally, Thomas of Craven, Walker, Ward, and Warren.

S. B. 84, a bill to provide that funds from the North Carolina Election Campaign Fund shall be distributed to political parties on a pro rata basis according to party voter registration.
Referred to **State Government/Election Laws Committee.**

By Senators Tison, Harris of Mecklenburg, Jenkins, and Lawing.

S. B. 85, a bill to provide funds for Discovery Place in Charlotte.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 145, a bill to clarify the boundary between Tyrrell and Washington Counties.
On motion of Senator Daniels, the rules are suspended, and the bill is placed on the Calendar for Thursday, February 10.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 39, a bill to amend Chapter 39 to further equalize between married persons the right to income, possession and control in property owned concurrently in tenancy by the entirety.
On motion of Senator Marvin, Committee Amendment No. 1 is adopted. The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee.**

S. B. 61, a bill to shift the burden of proof in a Coastal Resources Commission hearing.

On motion of Senator Jenkins, consideration of the bill is postponed until tomorrow, February 10.

S. B. 62, a bill to provide that a technician with a general license can test speed-measuring instruments.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 72 (Committee Substitute), a bill to make dogs and other animals in a person's possession the subject of larceny.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

On motion of Senator Lawing, seconded by Senator Thomas of Henderson, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTY-SECOND DAY

SENATE CHAMBER,
Thursday, February 10, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harrington and White for tomorrow, February 11.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee:**

S. B. 12, a bill to require that parental consents to adoptions be duly sworn, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, February 11.

S. B. 68, a bill to amend and clarify the penalties for driving on a permanently revoked license, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hardison, Barnes of Wayne, Redman, and Wright:

S. B. 86, a bill to permit assistant fire marshals to use a red light on their vehicles.
Referred to **Judiciary III Committee.**

By Senators Hardison, Barnes of Wayne, Redman, and Wright:

S. B. 87, a bill to amend the Law Enforcement Officers', Firemen's, Rescue Squad Workers' and Civil Air Patrol Members' Death Benefits Act.
Referred to **Pensions and Retirement Committee.**

By Senators Hardison and Barnes of Wayne:

S. B. 88, a bill to exempt certain volunteer fire departments from the Occupational Safety and Health Act of North Carolina.
Referred to **Judiciary III Committee.**

By Senators Marvin, Gray, Hancock, Johnson, Tally, Ward, and Woodard:

S. B. 89, a bill to amend Chapter 50 of the General Statutes to establish procedures to insure payment of child support.
Referred to **Judiciary II Committee.**

By Senators Marvin, Gray, Hancock, Johnson, Tally, Ward, and Woodard:

S. B. 90, a bill to amend Chapter 15A of the General Statutes to establish procedures to insure payment of child support.
Referred to **Judiciary II Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 35, a bill to repeal certain obsolete criminal statutes regarding vagrancy and tramps.
Referred to **Judiciary II Committee.**

H. B. 43, a bill to make certain changes in the Governor's Advisory Council on Aging.
Referred to **State Government/Senior Citizens Committee.**

H. B. 68, a bill to extend the hours during which the intentional sweeping of game lands with lights and the intentional shining of lights on deer are prohibited in additional counties.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 94, a bill to validate certain registered instruments.
Referred to **Judiciary II Committee.**

H. B. 102, a bill to clarify the definition of day-care facility.
Referred to **Human Resources Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 61, a bill to shift the burden of proof in a Coastal Resources Commission hearing.

On motion of Senator Jenkins, the bill is recommitted to the **Judiciary I Committee.**

H. B. 6, a bill to allow the Secretary of Revenue to make contracts concerning the handling of bulk mail.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 26, a bill to allow operation of a snack bar and cafeteria in the State Legislative Building and delete the authorization for concession stands in the State Capitol while the Legislature is in session.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 64, a bill to allow the City of Winston-Salem to increase the tax levy on motor vehicles to a maximum of five dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: Senators Hancock, Redman, and Royall—3.

The bill remains on the Calendar upon third reading.

H. B. 93, a bill to authorize the City of Winston-Salem to set the interest rate on local assessments in accordance with general law, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 145, a bill to clarify the boundary between Tyrrell and Washington Counties, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of

Craven, Tison, Walker, Ward, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 6, an act to clarify the process of certain appeals by area mental health, mental retardation and substance abuse authorities. (Ch. 5)

S. B. 11, an act to allow area mental health, mental retardation, and substance abuse board membership to include up to twenty-five members. (Ch. 6)

On motion of Senator Lawing, seconded by Senator Winner, the Senate adjourns to meet tomorrow at 10:30 A.M.

TWENTY-THIRD DAY

SENATE CHAMBER,
Friday, February 11, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we stand before You as a collection of individuals who represent different faiths, political outlooks, and regional interests. We pray that You will unite us in the common goal of seeking to find and do Your will for this State and nation, putting away false pride and superficial differences that inhibit full cooperation. Help us to rejoice in a healthy diversity that enriches and makes life exciting, while at the same time recognizing our united allegiance to You as our Creator and Lord. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Rauch for today. Leaves of absence granted previously to Senators Harrington and White are noted.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Lawing:

S. B. 91, a bill to provide that all occupational licensing boards may receive the interest on funds deposited by them with the State Treasurer for investment.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Plyler and Thomas of Henderson:

S. B. 92, a bill to provide economic expanison in the State of North Carolina by allowing a partial State income tax credit for the amount of ad valorem taxes paid on inventory and by requiring certain corporations to estimate their State income tax liability and pay the estimated tax in installments.
Referred to **Finance Committee.**

By Senator Hipps:

S. B. 93, a bill to authorize local law enforcement officers to inspect all premises for which ABC permits have been issued.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

By Senator Soles:

S. B. 94, a bill to place the President of the Magistrate's Association on the Courts Commission.
Referred to **Judiciary II Committee.**

By Senators Jordan and Plyler:

S. B. 95, a bill to allow the Montgomery County Board of Education to convey certain lands at private sale to the Candor Lions Club.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Guy, Hancock, Harris of Cleveland, Johnson, Kincaid, Redman, Tally, Thomas of Craven, and Wright:

S. B. 96, a bill to permit disabled veterans to park in handicapped spaces.
Referred to **Judiciary I Committee.**

Senator Duncan moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Duncan:

S. B. 98, a bill to provide for the popular election of the Utilities Commission.
Referred to **Public Utilities and Energy Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 126, a bill to change the date when the term of office of the Sheriff of Cleveland County begins, in order to conform to general law.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 138, a bill to provide that the members of the Greenville Utilities Commission may fix their own salaries.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 12 (Committee Substitute), a bill to require that parental consents to adoptions be duly sworn.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 68, a bill to amend and clarify the penalties for driving on a permanently revoked license.

The bill passes it second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 64, a bill to allow the City of Winston-Salem to increase the tax levy on motor vehicles to a maximum of five dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, Winner, Woodard, and Wright—41.

Voting in the negative: Senators Hancock, Redman, and Royall—3.

The bill is ordered enrolled.

H. B. 93, a bill to authorize the City of Winston-Salem to set the interest rate on local assessments in accordance with general law, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 145, a bill to clarify the boundary between Tyrrell and Washington Counties, upon third reading.

The bill passes it third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 6, an act to allow the Secretary of Revenue to make contracts concerning the handling of bulk mail. (Ch. 7)

H. B. 26, an act to allow operation of a snack bar and cafeteria in the State Legislative Building and delete the authorization for concession stands in the State Capitol while the Legislature is in session. (Ch. 8)

On motion of Senator Lawing, seconded by Senator Martin, the Senate adjourns to meet Monday at 8:00 P.M.

TWENTY-FOURTH DAY

SENATE CHAMBER,
Monday, February 14, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Alexander McGeachy, Pastor of West Raleigh Presbyterian Church as follows:

"Almighty God who holds the nations of the world in the palm of Your hand, hear the prayers of Your people and in Your mercy bless us. Be kind to this Senate who make decisions for a portion of Your children this day. Deliver us all from the fear of the intruder, the disgrace of scandal and the manipulation of the lawless. Enable us to use the vast resources at our disposal for the common good. Thank You for the memory of those leaders by whose sweat and tears we now have a measure of peace and freedom. Unto You be all glory both now and for all time to come. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harris of Cleveland, Lawing, and Rauch for tonight.

The President recognizes the following pages serving in the Senate this week: Ed Creech, Selma; Guanah Davis, Salisbury; Melody Diane Fish, Garner; Janna Herchenhahn, Wilmington; Lisa Hunt, Southern Pines; Stuart Lindley, Raleigh; Dewey McCafferty, Raleigh; Laura Marsh, Southern Pines; Janelle Lynn Mason, Moyock; Charles Smithson Mills, Wadesboro; Shawn Murray, Raleigh; Malcolm Sears, Gates; Paula Sewell, Jacksonville; and Wayne Sexton, Stoneville.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson:

S. B. 97, a bill to clarify the length of time for which notice of a foreclosure hearing must be posted.
Referred to **Judiciary II Committee.**

By Senators Tally and Rand:

S. B. 99, a bill to appropriate funds to the Department of Cultural Resources to establish a museum service branch of the North Carolina Museum of History in Fayetteville.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 83, a bill to permit assistant fire marshals to use a red light and siren on their vehicles.
Referred to **Judiciary III Committee.**

H. B. 109, a bill to amend the provisions of the wildlife preserve and bird sanctuary in Arrowhead Beach Subdivision, Chowan County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 147, a bill to allow all hospitals owned and operated by a county to receive semiannual sales tax refunds.
Referred to **Finance Committee.**

H. B. 148, a bill to increase the interest rate paid on highway condemnation judgments to conform to the legal interest rate.
Referred to **Ways and Means/Transportation Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 7, an act to clarify liability for payment for long-term hospitalized children. (Ch. 12)

S. B. 8, an act to authorize the Department of Human Resources to act as contractual intermediary with the federal government to assist recovery by counties of interim welfare payments. (Ch. 13)

S. B. 10, an act to amend G. S 108A-24, 108A-41, and 108A-42 to clarify public assistance program disability. (Ch. 14)

H. B. 64, an act to allow the City of Winston-Salem to increase the tax levy on motor vehicles to a maximum of five dollars. (Ch. 9)

H. B. 93, an act to authorize the City of Winston-Salem to set the interest rate on local assessments in accordance with general law. (Ch. 10)

H. B. 145, an act to clarify the boundary between Tyrrell and Washington Counties. (Ch. 11)

On motion of Senator Royall, seconded by Senator Barnes of Forsyth, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, February 15, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Robert E. Lee, Pastor of New Hope Presbyterian Church, Willow Springs, as follows:

"O God, Our Father, You alone are aware of the heavy work loads of these legislative members. Few people outside of these Chambers appreciate the pressures and the temptations of this unique calling. Help these women and men to sense Your intense concern for them and for their task. May that awareness of Your presence inspire them to fulfill their duties with sensitivity, dispatch and attention to detail. And finally, Dear God, give them courage to live by the convictions that have shaped their lives and influenced them to seek to serve You in government. Through Christ, Our Lord. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants courtesies of the gallery to Elizabeth Stevenson Ives of Southern Pines, a distinguished guest who is a dedicated leader in historical preservation and cultural activities in North Carolina. (See Appendix.)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee:**

H. B. 35, a bill to repeal certain obsolete criminal statutes regarding vagrancy and tramps, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee:**

S. B. 27, a bill to abolish the Office of Coroner in Moore County subject to a referendum, with a favorable report.

S. B. 73, a bill to incorporate the Town of Cajah Mountain in Caldwell County, with a favorable report, as amended.

H. B. 29, a bill to provide that vacancies on the Moore County Board of Education be filled by that Board, rather than by the County Commissioners, with a favorable report.

H. B. 65, a bill to amend the name of the Clinical Toxicological Laboratory located in Winston-Salem, North Carolina, with a favorable report.

H. B. 81, a bill to authorize the Town of Valdese to exercise certain land acquisition and disposal procedures, with a favorable report.

H. B. 103, a bill to provide that permits for pyrotechnic displays within incorporated municipalities in Forsyth County shall be granted by the city council instead of the county commissioners, and to provide that the county commissioners may delegate their permit granting powers relating to pyrotechnic displays and sales of explosives, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Staton:

S. B. 100, a bill to prohibit expunction of a juvenile record if the juvenile was adjudicated for an act that would be Class A, B, or C felony if committed by an adult.
Referred to **Judiciary I Committee.**

By Senator Staton:

S. B. 101, a bill to make first and second degree sex offenses nondivertible offenses for juvenile complaints.
Referred to **Judiciary I Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 85 (Committee Substitute), a bill to regulate hunting in Lenoir County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

On motion of Senator Lawing, seconded by Senator Harris of Mecklenburg, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, February 16, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God of the ages, we are reminded today of Your servants who have bequeathed a rich heritage of justice and compassion to this State and nation. We thank You for their courage, their integrity and their search for truth that lead them to form and preserve for us the blessings of liberty. May we, by Your Spirit, be worthy recipients of that legacy. Grant us wisdom, grant us courage to discover for ourselves new occasions to employ those ancient and honored traditions, that our sons and daughters may be as grateful for our lives as we are for those who have gone before us. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Jordan and Staton for today.

WITHDRAWAL FROM COMMITTEE

H. B. 84 (Committee Substitute), a bill to allow criminal sessions of Brunswick County Superior Court in facilities other than the Courthouse at the Brunswick County Government Center when the courtroom is inadequate for joint trial or hearing of multiple defendants.

On motion of Senator Soles the rules are suspended and the Committee Substitute bill is taken from the **Judiciary III Committee** and is placed on the Calendar for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senators Rauch and Duncan for the **Finance Committee:**

S. B. 54, a bill to amend the authority to set fees for the Board of Medical Examiners, with a favorable report.

On motion of Senator Rauch, the bill is placed on the Calendar for Tuesday, February 22.

H. B. 5, a bill to transfer responsibility for collecting income and franchise taxes on savings and loan associations from the Savings and Loan Division of the Department of Commerce to the Department of Revenue, with a favorable report.

On motion of Senator Rauch, the bill is placed on the Calendar for Tuesday, February 22.

H. B. 7, a bill regarding the distribution of intangible tax revenue collected during Fiscal Year 1982-83, with a favorable report.

On motion of Senator Rauch, the bill is placed on the Calendar for Tuesday, February 22.

H. B. 8, a bill to provide an optional privilege license tax for persons engaged in retail variety sales businesses for which privilege licenses are required, with a favorable report, as amended.

On motion of Senator Rauch, the bill is placed on the Calendar for Tuesday, February 22.

H. B. 17, a bill to ensure that organizations that are exempt from federal income tax are also exempt from State corporate income and franchise tax, with a favorable report.

On motion of Senator Rauch, the bill is placed on the Calendar for Tuesday, February 22.

H. B. 19, a bill to allow lessors of motor vehicles to assume primary responsibility for payment of the special fuels and highway use taxes, with a favorable report.

On motion of Senator Rauch, the bill is placed on the Calendar for Tuesday, February 22.

H. B. 20, a bill to tax all income of an exempt corporation that is unrelated to the basis of the corporation's exemption, with a favorable report.

On motion of Senator Rauch, the bill is placed on the Calendar for Tuesday, February 22.

By Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 59, a bill to increase the membership of the Commission on Children with Special Needs—2, with a favorable report.

On motion of Senator Harris of Cleveland the bill is re-referred to the **Appropriations Committee.**

S. J. R. 64, a joint resolution encouraging health insurance carriers to offer and promote coverage for mental health and related services, with a favorable report, as amended.

S. B. 67, a bill to make the Charitable Solicitation Licensure Act inapplicable to certain foundations and trusts, with a favorable report, as amended.

On motion of Senator Harris of Cleveland, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted. The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee.**

By Senator Hancock for the **State Government/Senior Citizens Committee:**

S. J. R. 15, a joint resolution requesting that the Governor of North Carolina consider the appointment of elderly citizens to State boards and commissions in fair proportion to their population with the State of North Carolina, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Edwards of Caldwell, Hunt, Jenkins, Tison, and Warren:

S. B. 102, a bill to prohibit the operation of a motor vehicle with the view outward or inward through the windshield or windows obscured.
Referred to **Ways and Means/Transportation Committee.**

By Senators Harris of Cleveland, Harris of Mecklenburg, Redman, Warren, and Wright:

S. B. 103, a bill to extend the Mental Health Study Commission.
Referred to **Human Resources Committee.**

By Senator Barnes of Wayne:

S. B. 104, a bill to appropriate funds for Waynesborough Park.
Referred to **Appropriations Committee.**

By Senators Barnes of Wayne, Hardison, Harris of Mecklenburg, Redman, Warren, and Wright:

S. B. 105, a bill to grant post-retirement increases in allowances to retired members of the Law Enforcement Officers' Benefit and Retirement Fund and make appropriations.
Referred to **Pensions and Retirement Committee.**

By Senators Barnes of Wayne, Hardison, Harris of Meckenburg, Redman, Warren, and Wright:

S. B. 106, a bill to extend death and accident benefits to law enforcement officers retired prior to July 1, 1965.
Referred to **Pensions and Retirement Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 128, a bill to amend Article 3 of Chapter 20 of the General Statutes relating to authority to provide special services.
Referred to **Finance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 27, a bill to abolish the Office of Coroner in Moore County subject to a referendum.
The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 50, a bill to amend the powers of the Commissioner of Insurance to regulate health maintenance organizations.

On motion of Senator Jenkins, consideration of the bill is postponed until Tuesday, February 22.

S. B. 73, a bill to incorporate the Town of Cajah Mountain in Caldwell County, upon second reading.

On motion of Senator Kincaid, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill, as amended, remains on the Calendar, upon third reading.

H. B. 29, a bill to provide that vacancies on the Moore County Board of Education be filled by that Board, rather than by the County Commissioners.

The bill passes its second and third readings and is ordered enrolled.

H. B. 35, a bill to repeal certain obsolete criminal statutes regarding vagrancy and tramps.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 65, a bill to amend the name of the Clinical Toxicological Laboratory located in Winston-Salem, North Carolina.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 81, a bill to authorize the Town of Valdese to exercise certain land acquisition and disposal procedures.

The bill passes its second and third readings and is ordered enrolled.

H. B. 103, a bill to provide that permits for pyrotechnic displays within incorporated municipalities in Forsyth County shall be granted by the city council instead of the county commissioners, and to provide that the county commissioners may delegate their permit granting powers relating to pyrotechnic displays and sales of explosives.

The bill passes its second and third readings and is ordered enrolled.

On motion of Senator Lawing, seconded by Senator Ballenger, the Senate adjourns to meet tomorrow at 1:00 P.M.

TWENTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, February 17, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable

James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, we pray today for people who are poor. We pray for those who are poor in material blessings, for those who are hungry, for those who do not have adequate shelter, for those who cannot afford medical care. We also pray for those who are poor in spirit, for those who feel defeated by life, for those who, blinded by prejudice, cannot love brothers and sisters who are different, for they can call upon Your Spirit for wisdom and counsel, for those who do not know the companionship that comes from fully giving yourself to another human being. Help us, O God, to remember that there is more to poverty than the balance in our checkbook, and that true riches come from learning Your will and doing it. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Soles for today and to Senators Johnson and Kincaid for tomorrow, February 18.

Senator Rauch requests to be recorded present.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Plyler, Allred, Harrington, Kincaid, Lawing, Redman, and Wright:

S. B. 107, a bill to revise the annexation laws.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Woodard, Alford, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Gray, Hancock, Harrington, Hipps, Hunt, Jenkins, Johnson, Jordan, Martin, Marvin, Parnell, Plyler, Rand, Royall, Staton, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, and Winner:

S. J. R. 108, a joint resolution urging the Congress of the United States to oppose the passage of a federal tuition tax credit bill.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Woodard, Harris of Mecklenburg, Johnson, Redman, Walker, Warren and Wright:

S. B. 109, a bill to provide for the appointment of special library registration deputies to register voters in all public libraries.
Referred to **State Government/Election Laws Committee.**

By Senators Woodard, Johnson, and Walker:

S. B. 110, a bill to permit the State Board of Elections to adopt the findings of a county board of elections and order a new election without duplicating the public hearing held by the county board.
Referred to **State Government/Election Laws Committee.**

By Senators Hancock, Alford, Ballenger, Barnes of Forsyth, Davis, Duncan, Edwards of Caldwell, Gray, Guy, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Staton, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, Winner, and Woodard:

S. J. R. 111, a joint resolution urging the United States Government to seek a bilateral, verifiable freeze and reduction in nuclear weapons.
Referred to **State Government Committee.**

By Senator Daniels:

S. B. 112, a bill to appropriate funds to provide for an educational program for the Newbold-White House and rehabilitation of the David Newby House.
Referred to **Appropriations Committee.**

By Senator Daniels:

S. B. 113, a bill to provide that certain private roads serving as the only land access between two communities must be open.
Referred to **Ways and Means/Transportation Committee.**

By Senators Allred, Ballenger, Barnes of Wayne, Davis, Duncan, Edwards of Guilford, Harris of Mecklenburg, Harris of Cleveland, Jenkins, Johnson, Kincaid, Lawing, Martin, Parnell, Plyler, Rauch, Redman, Soles, Speed, Staton, Swain, Thomas of Craven, Tison, Warren and Wright:

S. B. 114, a bill to provide that declarations of estimated individual income tax are not required of taxpayers whose estimated tax is less than one hundred dollars.
Referred to **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 135, a bill to amend the age requirement for psychologists to conform with G. S. 93B-9.
Referred to **State Government Committee.**

H. B. 163, a bill to amend the qualifications for licensure in architecture.
Referred to **State Government Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. J. R. 15, a joint resolution requesting that the Governor of North Carolina consider the appointment of elderly citizens to State boards and commissions in fair proportion to their population with the State of North Carolina.
On motion of Senator Childers, Committee Amendment No. 1 is adopted, changing the title to read **S. J. R. 15,** a joint resolution requesting that the Governor of North Carolina consider the appointment of more elderly citizens to State boards and commissions.

The joint resolution, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. J. R. 64, a joint resolution encouraging health insurance carriers to offer and promote coverage for mental health and related services.

On motion of Senator Ward, Committee Amendment No. 1 is adopted.

The joint resolution, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 73, a bill to incorporate the Town of Cajah Mountain in Caldwell County, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Martin, Parnell, Plyler, Rand, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, White, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 9, an act to amend Chapter 110 of the General Statutes to ensure access to the Federal Parent Locator Services in parental kidnapping and child custody cases. (Ch. 15)

H. B. 29, an act to provide that vacancies on the Moore County Board of Education be filled by that Board, rather than by the County Commissioners. (Ch. 16)

H. B. 35, an act to repeal certain obsolete criminal statutes regarding vagrancy and tramps. (Ch. 17)

H. B. 65, an act to amend the name of the Clinical Toxicological Laboratory located in Winston-Salem, North Carolina. (Ch. 18)

H. B. 81, an act to authorize the Town of Valdese to exercise certain land acquisition and disposal procedures. (Ch. 19)

H. B. 84 (Committee Substitute), an act to allow criminal sessions of Brunswick County Superior Court in facilities other than the Courthouse at the Brunswick County Government Center when the courtroom is inadequate for joint trial or hearing of multiple defendants. (Ch. 20)

H. B. 103, an act to provide that permits for pyrotechnic displays within incorporated municipalities in Forsyth County shall be granted by the city council instead of the county commissioners, and to provide that the county commissioners may delegate their permit granting powers relating to pyrotechnic displays and sales of explosives. (Ch. 21)

On motion of Senator Lawing, seconded by Senator Barnes of Wayne, the Senate adjourns to meet tomorrow at 11:00 A.M.

February 17, 1983

TWENTY-EIGHTH DAY

SENATE CHAMBER,
Friday, February 18, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Great God, we thank You for this nation, so fair and free, for its worthy aims, its charity, its commitment to justice. We confess that at times we have failed You by neglecting rights and restricting freedoms. Forgive what we have done wrong, and what we shall do wrong, and help us to be compassionate, fair, and helpful to each other. Raise up in us a right patriotism, that sees and seeks this nation's good. Give us voices to praise Your goodness in this land, and a will to serve You now and always. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Hardison, Harrington, Harris of Cleveland, Harris of Mecklenburg, Marion, Rauch, Soles, Thomas of Craven for today; also to Senator Royall, who is attending an Executive Committee Meeting of the Council of State Governments in Washington, D.C.

Leaves of absence granted previously to Senators Johnson and Kincaid are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 1, a bill to provide safe roads by requiring mandatory jail terms for grossly aggravated drunken drivers, providing an effective deterrent to reduce the incidence of impaired driving, and clarifying the statutes related to drinking and driving, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Kincaid:

S. B. 115, a bill to appropriate funds to the Old Wilkes Jail Museum.
Referred to **Appropriations Committee.**

By Senators Hardison, Allsbrook, Gray, Hancock, Harris of Cleveland, Royall, Walker, and Ward:

S. B. 116, a bill to appropriate funds for the purpose of implementing H. B. 124, Involuntary Outpatient Commitment.
Referred to **Appropriations Committee.**

By Senators Duncan, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Johnson, Lawing, Marion, Martin, Marvin, Rand, Rauch, Redman, Royall, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Warren, White, Winner, Woodard, and Wright:

S. B. 117, a bill to increase the membership of the State Banking Commission.
Referred to **Banking Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 36, a bill to repeal certain obsolete criminal statutes regarding disturbances.
Referred to **Judiciary II Committee.**

On motion of Senator Lawing, seconded by Senator Duncan, the Senate adjourns to meet Monday at 8:00 P.M.

TWENTY-NINTH DAY

SENATE CHAMBER,
Monday, February 21, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, as we celebrate today by remembering two of our former presidents, we pray that You will help us to learn how to be more effective leaders by studying their lives. From George Washington we learn that while authority is not to be lightly or frivolously challenged, there are times in human history that demand radical change for the sake of human freedom. From Lincoln we learn that freedom is not limited to persons just like ourselves, and that true freedom cannot exist for anyone as long as one person is enslaved. Father, we would not worship the past or its leaders, but we would sit at their feet to hear words of challenge and hope, challenge to submit our lives to their expectations of this nation, and hope that we can overcome any obstacle to freedom if we are not afraid to give ourselves fully to the task. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Barnes of Forsyth, Jordan, and Rauch for tonight and to Senator Plyler for tomorrow, February 22.

The President appoints Senator Edwards of Guilford to Chair the Public Hearing scheduled for Tuesday, February 22, by the **Judiciary II Committee** to consider **S. B. 89** and **S. B. 90,** due to the absence of Senator Soles, Chairman, and Senator Hancock, Vice-Chairman.

The President recognizes the following pages serving in the Senate this week: Sandra Jean Chaney, Kinston; Michelle Lynn Copeland, Fayetteville; Andrea Darner, Havelock; Albert Cleve Everson, Jr., Edenton; Ronnie Lynn Haislip, Robersonville; Tim Hodges, Burlington; Lori Elizabeth Green, Mooresville; Alan Scot Lane, Apex; Sharon Denise Leathers, Raleigh; Kimberly Ann McCartney, Pembroke; Mary Moody, Dillsboro; Timothy Carlin Philpot, Lexington; Kathleen Anne Pridgen, Charlotte; William Allen Pridgen, Charlotte; Michael Sexton, Stoneville; Becky Marie Smith, Aberdeen; Peter Sonkin, Fayetteville; and Kimberly Dawn Tart, Dunn.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Edwards of Caldwell:

S. B. 118, a bill to allow State and local governments and public authorities to deposit public moneys at interest in any savings and loan association in the State, and to designate as official depositories one or more savings and loan associations in this State.
Referred to **Banking Committee.**

By Senator Edwards of Caldwell:

S. B. 119, a bill to amend Chapter 54B of the General Statutes of North Carolina relating to savings and loan associations.
Referred to **Banking Committee.**

By Senator Jenkins:

S. B. 120, a bill authorizing the court to order direct payment for fees for appointed counsel.
Referred to **Judiciary I Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 52, a bill to allow an income tax deduction for contributions to Radio Emergency Association of Citizens Teams.
Referred to **Finance Committee.**

H. B. 95, a bill regarding ambulance service in Cherokee, Clay, Davie, Hoke, Macon, Wilkes, and Yadkin Counties.
Referred to **Local Government and Regional Affairs Committee.**

H. J. R. 98, a joint resolution memorializing the life and work of Raymond M. Wheeler, M.D.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 111, a bill to amend G. S. 20-88 relating to property-hauling vehicles.

Referred to **Ways and Means/Transportation Committee.**

H. B. 120 (Committee Substitute), a bill to amend G. S. 44A-4 relating to sale of motor vehicles to satisfy liens.

Referred to **Ways and Means/Transportation Committee.**

H. B. 165, a bill to define the term of the Legislative Research Commission and to allow the Legislative Research Commission to continue to act concerning the State's interest in railroad properties.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 168, a bill to authorize the Department of Transportation to use State and federal funds to construct, maintain, lease or otherwise provide for commuter and ridesharing parking.

Referred to **Ways and Means/Transportation Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 48, an act to allow "P. C." in a corporate name. (Ch. 22)

On motion of Senator Lawing, seconded by Senator Kincaid, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTIETH DAY

SENATE CHAMBER,
Tuesday, February 22, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Dr. Norman Mitchell, Pastor of Mt. Gilead Baptist Church, Fayetteville, as follows:

"O Lord, our Lord, how excellent is Thy Name in all the earth. Most merciful God, Thou hast promised forgiveness to all who confess and forsake their sins.

"With our unworthiness and acknowledgement of our manifold transgressions of Thy righteous laws, make us deeply sensible to our evil deeds and of Thy loving and forgiving spirit as ruler of all nations.

"Let the light of Thy peace and justice shine upon all nations and accept, O Lord, our intercessions for all mankind and may those who have received it, live it to the fullest.

"Bless each of these in authority over us and so rule their hearts that they maintain Thy true religion.

"We acknowledge that Thy authority is over all and these stand to administer according to their several necessities for the sake of Thy son, Jesus Christ, our only Saviour and Redeemer in whose Name, I pray. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Rauch and Staton for today.

A leave of absence granted previously to Senator Plyler is noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 61, a bill to shift the burden of proof in a Coastal Resources Commission hearing, with a favorable report, as amended.

By Senator Soles for the **Judiciary II Committee:**

H. B. 94, a bill to validate certain registered instruments, with an unfavorable report.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

H. B. 83, a bill to permit assistant fire marshals to use a red light and siren on their vehicles, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 25, a bill to expand the membership of the Advisory Budget Commission.
Referred to **Rules and Operation of the Senate Committee.**

H. J. R. 105, a joint resolution honoring Wade Barber, a former member of the General Assembly.
On motion of Senator Walker, the rules are suspended, and the joint resolution is placed on the Calendar for today.

H. B. 119, a bill to amend G. S. 20-16.1 relating to mandatory suspension of driver's license.
Referred to **Judiciary III Committee.**

H. B. 136, a bill to clarify fees charged by the Private Protective Services Board.
Referred to **Finance Committee.**

H. B. 190, a bill to allow various towns to increase the tax levy on motor vehicles to a maximum of five dollars.

Referred to **Finance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 50, a bill to amend the powers of the Commissioner of Insurance to regulate health maintenance organizations.

Senator Barnes of Wayne offers Amendment No. 1 which fails of adoption.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 54, a bill to amend the authority to set fees for the Board of Medical Examiners.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 5, a bill to transfer responsibility for collecting income and franchise taxes on savings and loan associations from the Savings and Loan Division of the Department of Commerce to the Department of Revenue.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 7, a bill regarding the distribution of intangible tax revenue collected during Fiscal Year 1982-83.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 8, a bill to provide an optional privilege license tax for persons engaged in retail variety sales businesses for which privilege licenses are required, upon second reading.

On motion of Senator Royall, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Rand, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 17, a bill to ensure that organizations that are exempt from federal income tax are also exempt from State corporate income and franchise tax.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 19, a bill to allow lessors of motor vehicles to assume primary responsibility for payment of the special fuels and highway use taxes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 20, a bill to tax all income of an exempt corporation that is unrelated to the basis of the corporation's exemption, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Rand, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. J. R. 105, a joint resolution honoring Wade Barber, a former member of the General Assembly.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 33, an act to authorize the Department of Human Resoures to compromise accounts, fix payments and determine who is able to pay for services rendered to the public. (Ch. 23)

S. B. 35, an act pertaining to the number, election, term and classification of State bank directors. (Ch. 24)

S. B. 45, an act to make technical amendments to G. S. 122-35.53, Allocation of Funds to Area Programs. (Ch. 25)

On motion of Senator Lawing, seconded by Senator Allred, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTY-FIRST DAY

SENATE CHAMBER,
Wednesday, February 23, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend E. Allen Proctor, Jr., Pastor of St. Barnabas Presbyterian Church as follows:

"Almighty God, by Whom the whole family of heaven and earth is named, we thank You for the gift of another day, a gift which You have extended to us by Your grace alone. We ask that we might learn to depend upon that grace as we gain a better understanding of who we are as beings that have been created and are sustained by You. We ask Your forgiveness, Our Father, when we take ourselves and our work too seriously, when we forget that it is only because of your mercy and loving kindness that we are able to enjoy the gift of life. Today, we ask that You would nourish the seeds of understanding and peace that struggle to rise up within us, that we might draw upon Your strength and Your wisdom. Let the spirit of justice and mercy and compassion fill this Chamber today, that all that is said and done might honor You and fulfill Your will for our lives. For we make our prayer in the Name and for the sake of our Lord Jesus Christ. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harris of Cleveland and Swain for today and to Senator Duncan for Thursday and Friday, February 24 and 25.

REMOVAL OF ENDORSEMENT

S. J. R. 111, a joint resolution urging the United States Government to seek a bilateral, verifiable freeze and reduction in nuclear weapons.

Without objection, the following Senators are allowed to withdraw their endorsement of the joint resolution: Senators Alford, Duncan, Marion, and Staton.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senators Rauch and Duncan for the **Finance Committee:**

S. B. 1 (Committee Substitute), a bill to provide safe roads by requiring mandatory jail terms for grossly aggravated drunken drivers, providing an effective deterrent to reduce the incidence of impaired driving, and clarifying the statutes related to drinking and driving, with a favorable report.

On motion of Senator Rauch, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Walker, Vice-Chairman, for Senator Harris of Cleveland, for the **Human Resources Committee:**

S. B. 103, a bill to extend the Mental Health Study Commission, with a favorable report.

H. B. 102, a bill to clarify the definition of day-care facility, with a favorable report, as amended.

By Senator Soles for the **Judiciary II Committee:**

S. B. 94, a bill to place the President of the Magistrate's Association on the Courts

Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, February 25.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. B. 91, a bill to provide that all occupational licensing boards may receive the interest on funds deposited by them with the State Treasurer for investment, with a favorable report.

On motion of Senator Lawing, the bill is re-referred to the **Ways and Means Committee.**

By Senator Staton for the **State Government Committee:**

S. B. 47, a bill to clarify the authority of departmental heads to adopt rules and policies, with a favorable report, as amended.

S. B. 49, a bill relating to the initial appointment of notaries public, with a favorable report, as amended.

H. B. 43, a bill to make certain changes in the Governor's Advisory Council on Aging, with a favorable report, as amended.

H. B. 135, a bill to amend the age requirement for psychologists to conform with G. S. 93B-9, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Staton, Barnes of Wayne, Childers, Davis, Gray, Hancock, Hunt, Marvin, Plyler, Rand, Redman, Royall, Walker, and Woodard:

S. B. 121, a bill regarding requests for State assistance by private colleges and universities.

Referred to **Higher Education Committee.**

By Senator Guy:

S. B. 122, a bill relating to hunting foxes in Onslow County.

Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senators Swain, Hipps, Jenkins, Kincaid, Marion, Martin, Staton, Thomas of Henderson, and Winner:

S. B. 123, a bill to allow expunction of arrest records in appropriate cases.

Referred to **Judiciary I Committee.**

By Senator Wright:

S. B. 124, a bill to provide that the New Hanover County Board of Commissioners shall

be elected from districts and only the qualified voters of the district shall vote for the district seat.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Wright:

S. B. 125, a bill to provide that the Wilmington City Council shall be elected from districts and only the qualified voters of the district shall vote for that district seat.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Walker and Woodard:

S. B. 126, a bill to amend the Presidential Preference Primary Act to allow choosing of an allocation formula which reflects the division of votes but does not require exact proportional representation.

Referred to **State Government/Election Laws Committee.**

By Senators Walker, Barnes of Wayne, Daniels, Duncan, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Plyler, Rand, Royall, Speed, Staton, Tally, Tison, Walker, Ward, Warren, Winner, and Woodard:

S. B. 127, a bill to make clarifying and procedural changes to the law regarding education for children with special needs.

Referred to **Judiciary II Committee.**

By Senators Hardison, Alford, Allred, Ballenger, Guy, Harris of Mecklenburg, Harris of Cleveland, Kincaid, Redman, Speed, Thomas of Craven, White, and Wright:

S. J. R. 128, a joint resolution urging the Congress of the United States to adopt a national strategy of peace through strength.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Winner, Ballenger, Barnes of Wayne, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Swain, Tally, Thomas of Henderson, Walker, Woodard, and Wright:

S. B. 129, a bill to add four additional seats of court for the Court of Appeals.

Referred to **Appropriations Committee.**

By Senators Marion, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Gray, Guy, Hancock, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Martin, Marvin, Parnell, Rand, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Woodard:

S. B. 130, a bill to appropriate funds for shift premium pay.

Referred to **Appropriations Committee.**

By Senators White, Allred, Allsbrook, Barnes of Wayne, Daniels, Guy, Hancock, Hardison, Harrington, Hipps, Jenkins, Jordan, Lawing, Rand, Redman, Royall, Soles, Speed, Thomas of Craven, Thomas of Henderson, and Warren:

S. B. 131, a bill concerning boll weevil eradication.
Referred to **Agriculture Committee.**

By Senators Tally and Rand:

S. B. 132, a bill to provide for the election of the Chairman and Vice-Chairman of the Cumberland County Board of Education.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 61, a bill to shift the burden of proof in a Coastal Resources Commission hearing.
On motion of Senator Jenkins, Committee Amendment No. 1 is adopted, and on his further motion is ordered engrossed and re-referred to the **Appropriations Committee.**

H. B. 8, a bill to provide an optional privilege license tax for persons engaged in retail variety sales businesses for which privilege licenses are required, as amended, upon third reading.
The bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:
Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.
Voting in the negative: None.
The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 20, a bill to tax all income of an exempt corporation that is unrelated to the basis of the corporation's exemption, upon third reading.
The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:
Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.
Voting in the negative: None.
The bill is ordered enrolled.

H. B. 83, a bill to permit assistant fire marshals to use a red light and siren on their vehicles.
The bill passes it second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and

they are duly ratified and sent to the office of the Secretary of State:

S. B. 12 (Committee Substitute), an act to require that parental consents to adoptions be duly sworn. (Ch. 30)

H. B. 5, an act to transfer responsibility for collecting income and franchise taxes on savings and loan associations from the Savings and Loan Division of the Department of Commerce to the Department of Revenue. (Ch. 26)

H. B. 7, an act regarding the distribution of intangible tax revenue collected during Fiscal Year 1982-83. (Ch. 27)

H. B. 17, an act to ensure that organizations that are exempt from federal income tax are also exempt from State corporate income and franchise tax. (Ch. 28)

H. B. 19, an act to allow lessors of motor vehicles to assume primary responsibility for payment of the special fuels and highway use taxes. (Ch. 29)

H. J. R. 105, a joint resolution honoring Wade Barber, a former member of the General Assembly. (Res. 3)

On motion of Senator Lawing, seconded by Senator Wright, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTY-SECOND DAY

SENATE CHAMBER,
Thursday, February 24, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, Your power fills heaven and earth, is hidden in atoms and flung from the sun. Control us so that we may never turn natural forces to destruction, or arm nations with cosmic energy, but guide us with wisdom and love, so that we may tame power to good purpose, for the building of the human community and the bettering of our common lives. Fill us with the power that comes from You, so that we may work tirelessly for good, being renewed each day with Your strength. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Marion and Thomas of Craven for today and to Senator Tally for Monday, February 28.

A leave of absence granted previously to Senator Duncan is noted.

REMOVAL OF ENDORSEMENT

S. J. R. 111, a joint resolution urging the United States Government to seek a bilateral, verifiable freeze and reduction in nuclear weapons.

Without objection, the following Senators are allowed to withdraw their endorsement from the joint resolution: Senators Ballenger, Edwards of Caldwell, and Redman.

S. J. R. 128, a joint resolution urging the Congress of the United States to adopt a national strategy of peace through strength.

Without objection, the following Senators are allowed to withdraw their endorsement from the joint resolution: Senators Ballenger and Redman.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 57, a bill to repeal the sunset provision in the 1981 Act changing the rate of interest in the Consumer Finance Act, with a favorable report.

By Senator Soles for the **Judiciary II Committee:**

H. B. 36, a bill to repeal certain obsolete criminal statutes regarding disturbances, with a favorable report.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 42, a bill prohibiting revocation of the natural parent's consent to an adoption, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Committee Substitute bill which changes the title to read **S. B. 42,** a bill shortening the period for revocation of the natural parent's consent to an adoption is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, February 28.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time and disposed of as follows:

By Senators Ballenger, Allred, Harris of Forsyth, Kincaid, Redman, and Wright:

S. B. 133, a bill to enact the fair elections act, to allow mixed ticket voting in partisan elections.

Referred to **State Government/Election Laws Committee.**

By Senators Soles and Lawing:

S. B. 134, a bill regarding taxation of wine made from North Carolina grapes.

Referred to **Finance Committee.**

By Senator Daniels:

S. B. 135, a bill to appropriate funds for the First Flight Society.
Referred to **Appropriations Committee.**

By Senators Gray, Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards, of Caldwell, Guy, Hancock, Hardison, Harrington, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Woodard:

S. J. R. 136, a joint resolution expressing the concern of the members of the General Assembly at this time of substantial unemployment, and under-employment, and urging that all instrumentalities of government join in constructive action to alleviate the present distress.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Ballenger and Redman:

S. B. 137, a bill to authorize the City of Hickory to convey a parcel of land at private sale to the Hickory Museum of Art, Inc., and to validate a conveyance by the Board of Education of the Hickory Administrative School Unit.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Thomas of Craven:

S. B. 138, a bill to allow the Sheriff and Deputy Sheriffs of Carteret County to purchase automobiles from State surplus.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Thomas of Craven:

S. B. 139, a bill to allow the purchase of creditable service with the State retirement systems for leaves of absence when in receipt of workers' compensation.
Referred to **Pensions and Retirement Committee.**

By Senators Childers and Davis:

S. B. 140, a bill to increase the amount that can be received in benefits from the Lexington Firemen's Supplemental Retirement Fund.
Referred to **Pensions and Retirement Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 116 (Committee Substitute), a bill to allow the head of a local law enforcement agency to appoint traffic control officers.
Referred to **Judiciary III Committee.**

H. B. 154, a bill to prohibit assaults and threats against judicial officials.
Referred to **Judiciary III Committee.**

H. B. 160, a bill to extend the effective date of probationary or temporary certificates issued to North Carolina Code officials.

Referred to **State Government Committee.**

H. B. 212, a bill to establish a seven-member Board of Mortuary Science, to set three-year terms, and to limit service to two consecutive terms.

Referred to **Human Resources Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 47, a bill to clarify the authority of departmental heads to adopt rules and policies.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 49, a bill relating to the intitial appointment of notaries public.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 103, a bill to extend the Mental Health Study Commission.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 43, a bill to make certain changes in the Governor's Advisory Council on Aging.

On motion of Senator Gray, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 102, a bill to clarify the definition of day-care facility.

On motion of Senator Walker, Committee Amendment No. 1 is adopted, and on his further motion is placed on the Calendar for Monday, February 28.

H. B. 135, a bill to amend the age requirement for psychologists to conform with G. S. 93B-9.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

WITHDRAWAL FROM CALENDAR

S. B. 94 (Committee Substitute), a bill to place the President of the Magistrate's Association on the Courts Commission.

On motion of Senator Soles the rules are suspended and the Committee Substitute bill is taken from the Calendar for Friday, February 25 and is placed on the Calendar for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 32, an act to amend Chapter 110 of the General Statutes to provide for the use of unemployment compensation benefits for child support. (Ch. 33)

S. B. 62, an act to provide that a technician with a general license can test speed-measuring instruments. (Ch. 34.)

S. B. 72 (Committee Substitute), an act to make dogs and other animals in a person's possession the subject of larceny. (Ch. 35)

H. B. 20, an act to tax all income of an exempt corporation that is unrelated to the basis of the corporation's exemption. (Ch. 31)

H. B. 83, an act to permit assistant fire marshals to use a red light and siren on their vehicles. (Ch. 32)

Senator Lawing rises to a point of personal privilege, recognizing Lieutenant Governor James C. Green on his birthday. (See Appendix.)

On motion of Senator Rauch, seconded by Senator Harris of Cleveland, the remarks of Lt. Governor Green responding are spread upon the Journal, as follows:

"Well, let me say to you, I'm completely overwhelmed. I didn't expect this, I was looking at the watch seeing that it was 2:10 and had heard Senator Staton say that there were people upstairs which I'd been cognizant of for the last hour, in fact I'm not sure they all got in, up there. But I thank you for the expression. You know I declared several weeks ago that I wasn't going to attend any more of these 7:00 A.M. breakfasts and I didn't really intend to go, but this morning I thought somebody might say, 'well, the old so-and-so wouldn't even come.' So I went and they presented me with a beautiful birthday cake out there, much to my surprise.

"I related to them that thirty-eight years ago this week, mostly in the prone position with a .30-caliber light machine gun, I was crawling around on a place that they call Iwo Jima, with a lot of wet ash and volcanic ash and pouring down rain most of the time, wondering, I guess, why I was there. I wonder today why I'm here. But I'm grateful to all of you, and including **those six back there on the back row who some days doubt it.** I love all of you. I respect all of you. **And I'm going to work a little harder tomorrow than I did today to be completely fair with all of you and my other fellow men in everything that I do, and I thank you from the bottom of my heart."**

On motion of Senator Lawing, seconded by Senator Redman, the Senate adjourns in honor of the Honorable James C. Green, Lieutenant Governor, to meet tomorrow at 11:00 A.M.

THIRTY-THIRD DAY

SENATE CHAMBER,
Friday, February 25, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, Your constant mercy is a source of amazement to us, for we know that we do not deserve it. Grant, by Your Spirit, that we shall have hearts to show mercy to others even as we have received from You. Help us to remember the poor, the dispossessed, the outcasts among us. Remind us daily that we are lost without Your loving-kindness, and that the only way in which You expect or accept repayment is by our extending the love we receive from You to our brothers and sisters. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Johnson, Harrington, Harris of Mecklenburg, and Rauch for today.

A leave of absence granted previously to Senator Duncan is noted.

REMOVAL OF ENDORSEMENT

S. J. R. 111, a joint resolution urging the United States Government to seek a bilateral, verifiable freeze and reduction in nuclear weapons.

Without objection, Senator Davis is allowed to withdraw his endorsement of the joint resolution.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 120, a bill authorizing the court to order direct payment for fees for appointed counsel, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, February 28.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Harris of Cleveland and Redman:

S. B. 141, a bill to rewrite the public health laws.
Referred to **Human Resources Committee.**

By Senator Jenkins:

S. B. 142, a bill permitting a member of the North Carolina Governmental Employees' Retirement System or the Teachers' and State Employees' Retirement System to retire with full benefits after completing twenty-seven years' service with the System.
Referred to **Pensions and Retirement Committee.**

By Senators Speed, Hardison and Swain:

S. B. 143, a bill to enhance the role of the State Board of Education as the principal voice for elementary and secondary education in North Carolina.
Referred to **Education Committee.**

By Senators Swain, Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Hancock, Hardison, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Plyler, Rand, Royall, Speed, Staton, Tally, Tison, Walker, Ward, Winner, and Woodard:

S. B. 144, a bill to promote fair commercial practices in the wholesale wine industry.
Referred to **Judiciary I Committee.**

By Senators Barnes of Wayne, Davis, Edwards of Guilford, Hancock, Hipps, Jenkins, Martin, Rand, Soles, Staton, Swain, Tally, and Warren.

S. B. 145, a bill to adopt a comparative fault system.
Referred to **Judiciary III Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 57, a bill to amend the law concerning reporting of product liability insurance underwriting experience.
Referred to **Insurance Committee.**

H. B. 187, a bill to clarify the exemption of out-of-state sales of printed materials from taxation.
Referred to **Finance Committee.**

H. B. 195, a bill to clarify the Department of Correction's rule-making procedures.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 196, a bill to amend G. S. 20-57(e) pertaining to the Division issuing certificate of titles and registration cards.
Referred to **Ways and Means/Transportation Committee.**

H. B. 217, a bill to allow the Town of Windsor to collect on motor vehicles a tax of not more than two dollars.
Referred to **Finance Committee.**

H. B. 243, a bill to change the size, terms, and manner of election of the Richmond County Board of Education, subject to a referendum.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 254, a bill to change the effective date of an annexation of the Town of Morehead City.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 57, a bill to repeal the sunset provision in the 1981 Act changing the rate of interest in the Consumer Finance Act.

Without objection, Senator Tison is excused from voting (electronically recorded) for the following reason: "Possible Conflict of Interest."

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 36, a bill to repeal certain obsolete criminal statutes regarding disturbances.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 27, an act to abolish the Office of Coroner in Moore County subject to a referendum. (Ch. 36)

H. B. 135, an act to amend the age requirement for psychologists to conform with G. S. 93B-9. (Ch. 37)

On motion of Senator Lawing, seconded by Senator Davis, the Senate adjourns to meet Monday at 8:00 P.M.

THIRTY-FOURTH DAY

SENATE CHAMBER,
Monday, February 28, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Dr. John D. McLeod, General Secretary, Presbyterian Synod of North Carolina, Raleigh, as follows:

"In **Of Time and the River,** Thomas Wolfe addresses his father in words which I would like to use as our prayer to God:

'Come to us, Father...
Come to us as You always came,
Bringing to us
The invincible substance of Your strength,
The limitless treasure of Your bounty,
The tremendous structure of Your life
That will shape all lost and broken things on earth
Again into a golden pattern of exultancy and joy.
Come to us, Father...
For we are ruined, lost, and broken
If You do not come.' Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Rauch for tonight.

A leave of absence granted previously to Senator Tally is noted.

The President recognizes the following pages serving in the Senate this week: Angela Barnes, Sylva; Lynn Comer, Summerfield; Ronnie Currie, Clarkton; Bo Dean, Carrboro; Ellen Earnest, Winston-Salem; Salathiel Mack, Raleigh; Cathy Metcalf, Saluda; Patrick O'Briant, Asheboro; Brooks Raiford, Greensboro; Lee Stephenson, Raleigh; Candy Tyson, Moyock; Andrea Williams, Statesville; and Melanie Williams, Fayetteville.

REMOVAL OF ENDORSEMENT

S. J. R. 111, a joint resolution urging the United States Government to seek a bilateral, verifiable freeze and reduction in nuclear weapons.

Without objection, Senator Guy is allowed to withdraw his endorsement of the joint resolution.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Craven:

S. B. 146, a bill to establish the North Carolina income tax refund checkoff program for the management of nongame and endangered species.

Referred to **Finance Committee.**

By Senator Thomas of Craven:

S. B. 147, a bill relating to the law enforcement authority of wildlife protectors.

Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Allsbrook:

S. B. 148, a bill to allow a sanitary district to engage in litigation or join with others in litigation opposing the withdrawal of water from the Roanoke River Basin.

Referred to **Judiciary I Committee.**

By Senator Jordan:

S. J. R. 149, a joint resolution directing the Office of State Budget and Management to prepare the State Budget to reflect the costs of the State's share of locally operated service programs.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Woodard, Allred, Barnes of Wayne, Daniels, Jordan, Redman, Staton, Thomas of Craven, and Wright:

S. B. 150, a bill to provide simplified procedures for disposal by cities, counties, and sanitary districts of personal property with minimal value.

Referred to **Judiciary III Committee.**

By Senators Allsbrook and White:

S. B. 151, a bill to commemorate the date of the adoption of the Halifax Resolves on the Great Seal of North Carolina.

Referred to **State Government Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 101 (Committee Substitute), a bill to raise age limits for day-care staff.

Referred to **Human Resources Committee.**

H. B. 151 (Committee Substitute), a bill to amend the statutes relating to public accountants.

Referred to **Judiciary III Committee.**

H. B. 198, a bill to exempt nonresident military dependents from driver's license requirements.

Referred to **Ways and Means Committee.**

H. B. 214, a bill to amend the requirements for operating child-care and child-placement facilities.

Referred to **Human Resources Committee.**

H. B. 215, a bill to amend the requirements for operating residential maternity care homes.

Referred to **Human Resources Committee.**

H. B. 244, a bill to reduce the size of the Richmond County Board of Commissioners from six to five and provide that the Commission shall elect its own chairman.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 42 (Committee Substitute), a bill shortening the period for revocation of the natural parent's consent to an adoption.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 120 (Committee Substitute), a bill authorizing the court to order direct payment for fees for appointed counsel.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 102, a bill to clarify the definition of day-care facility, as amended.

Senator Hardison offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second reading.

On objection of Senator Swain to its third reading the bill, as amended, remains on the Calendar for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 8, an act to provide an optional privilege license tax for persons engaged in retail variety sales businesses for which privilege licenses are required. (Ch. 38)

H. B. 36, an act to repeal certain obsolete criminal statutes regarding disturbances. (Ch. 39)

On motion of Senator Lawing, seconded by Senator Staton, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, March 1, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Mrs. Ann Calvin Rogers-Witte, Pastor of Community United Church of Christ, Raleigh, as follows:

"Blessed art Thou, O God of grace and God of glory.

"We give Thee thanks for people who seek to follow Thy call to service — people who serve this State as elected Senators or State employees and people who serve as concerned citizens.

"We ask Thee to pour Thy power on Thy people and the leaders of Thy people that Thy will might be done on earth as it is done in heaven.

"Grant us wisdom, grant us courage for the living of these days. Save us from weak resignation to the evils we deplore. Cure Thy children's warring madness and bend our pride to Thy control. Grant us wisdom, grant us courage, that we fail not us nor Thee. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Duncan for tomorrow, March 2.

RE-REFERRAL

S. B. 146, a bill to establish the North Carolina income tax refund checkoff program for the management of nongame and endangered species.

Without objection, the President orders the bill taken from the **Finance Committee** and re-referred to the **Natural and Economic Resources and Wildlife Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee:**

S. B. 131, a bill concerning boll weevil eradication, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 148, a bill to allow a sanitary district to engage in litigation or join with others in litigation opposing the withdrawal of water from the Roanoke River Basin, with a favorable report, as amended.

By Senator Soles for the **Judiciary II Committee:**

S. B. 97, a bill to clarify the length of time for which notice of a foreclosure hearing must be posted, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted and on his further motion is placed on the Calendar for Wednesday, March 2.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 86, a bill to permit assistant fire marshals to use a red light on their vehicles, with an unfavorable report.

H. B. 154, a bill to prohibit assaults and threats against judicial officials, with a favorable report, as amended.

By Senator Hipps for the **Local Government and Regional Affairs Committee:**

S. B. 95, a bill to allow the Montgomery County Board of Education to convey certain lands at private sale to the Candor Lions Club, with a favorable report.

S. B. 138, a bill to allow the Sheriff and Deputy Sheriffs of Carteret County to purchase automobiles from State surplus, with a favorable report.

H. B. 95, a bill regarding ambulance service in Cherokee, Clay, Davie, Hoke, Macon, Wilkes, and Yadkin Counties, with a favorable report.

H. B. 126, a bill to change the date when the term of office of the Sheriff of Cleveland County begins, in order to conform to general law, with a favorable report.

By Senator Thomas of Henderson for the **Ways and Means/Transportation Committee:**

S. B. 56, a bill to authorize property owner participation in the costs of road maintenance, improvements, additions and acquisition of right-of-way, with a favorable report, as amended.

S. B. 113, a bill to provide that certain private roads serving as the only land access between two communities must be open, with a favorable report.

H. B. 111, a bill to amend G. S. 20-88 relating to property-hauling vehicles, with a favorable report.

H. B. 120 (Committee Substitute), a bill to amend G. S. 44A-4 relating to sale of motor vehicles to satisfy liens, with a favorable report.

H. B. 148, a bill to increase the interest rate paid on highway condemnation judgments to conform to the legal interest rate, with a favorable report.

On motion of Senator Thomas of Henderson, the bill is re-referred to the **Appropriations Committe.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 102, a bill to clarify the definition of day-care facility, as amended, upon third reading.

The bill, as amended, passes its third (electronically recorded) reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and 2.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 43, an act to make certain changes in the Governor's Advisory Council on Aging. (Ch. 40)

On motion of Senator Lawing, seconded by Senator Childers, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, March 2, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable

James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Keith Reeve, Pastor of St. Mark's Episcopal Church, Raleigh, as follows:

"Almighty God, known to us by various names and worshipped in different ways, we pray to You now, in our common need, for wisdom, sensitivity and integrity.

"Help us to understand the causes of our tensions and unrest. Open our eyes to economic wrongs, to racial and sexual bias. Deepen our concern for the poor, the old, and the handicapped. Stir in us a burning sense of responsibility for the welfare and safety of the people of this commonwealth.

"Above all give us the courage to honor the trust which has been placed in us by others, for in this we honor Your trust too, in Whom we place our trust. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Lawing for today and to Senators Marvin and Woodard for Friday, March 4.

A leave of absence granted previously to Senator Duncan is noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee:**

H. B. 24, a bill to provide alternative beginning dates for parcel identifier indexes, with a favorable report.

H. B. 128, a bill to amend Article 3 of Chapter 20 of the General Statutes relating to authority to provide special services, with a favorable report.

By Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 83, a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as certified social workers: creating a State Board of Examiners for social workers: defining the functions and duties of that Board: and providing for penalties, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris of Cleveland, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris of Cleveland the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee.**

H. B. 101 (Committee Substitute), a bill to raise age limits for day-care staff, with a favorable report, as amended.

On motion of Senator Harris of Cleveland, the Committee Substitute bill is placed on the Calendar for Monday, March 7.

H. B. 212, a bill to establish a seven-member Board of Mortuary Science, to set three-year terms, and to limit service to two consecutive terms, with a favorable report.

On motion of Senator Harris of Cleveland, the bill is placed on the Calendar for Monday, March 7.

H. B. 215, a bill to amend the requirements for operating residential maternity care homes, with a favorable report.

On motion of Senator Harris of Cleveland, the bill is placed on the Calendar for Monday, March 7.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

S. B. 122, a bill relating to hunting foxes in Onslow County, with a favorable report.

H. B. 85 (Committee Substitute), a bill to regulate hunting in Lenoir County, with a favorable report.

On motion of Senator Hardison, the rules are suspended (electronically recorded) and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 109, a bill to amend the provisions of the wildlife preserve and bird sanctuary in Arrowhead Beach Subdivision, Chowan County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Thomas of Craven, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Craven, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, March 3.

By Senator Plyler for the **Pensions and Retirement Committee:**

S. B. 74, a bill to amend the requirements for receipt of service and disability retirement benefits from the Durham Firemen's Supplemental Retirement System, with a favorable report.

S. B. 87, a bill to amend the Law Enforcement Officers', Firemen's, Rescue Squad Workers' and Civil Air Patrol Members' Death Benefits Act, with a favorable report.

On motion of Senator Plyler, the bill is re-referred to the **Appropriations Committee.**

By Senator Royall for Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. R. 4, a Senate resolution adopting the permanent rules of the Senate for the 1983 Session of the General Assembly of North Carolina, as amended, with a favorable report for adoption.

H. B. 25, a bill to expand the membership of the Advisory Budget Commission, with a favorable report.

By Senator Hancock for the **State Government Committee:**

H. B. 163, a bill to amend the qualifications for licensure in architecture, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time and disposed of as follows:

By Senator Rand:

S. B. 152, a bill to prohibit cities from levying a privilege license tax on persons engaged in the business of pest control.
Referred to **Finance Committee.**

By Senators White, Barnes of Wayne, Daniels, Duncan, Hipps, Royall, Redman, Speed, Thomas of Henderson, Thomas of Craven and Warren:

S. B. 153, a bill to amend the North Carolina Fertilizer Law.
Referred to **Agriculture Committee.**

By Senators Speed, Alford, Barnes of Wayne, Edwards of Caldwell, Guy, Harrington, Hunt, Jenkins, Parnell, Soles, Staton, Warren, and Woodard:

S. B. 154, a bill to allow the purchase of temporary state employment as creditable service in the Teachers' and State Employees' Retirement System by persons who could retire as a result thereof and to make an appropriation for the employer cost.
Referred to **Pensions and Retirement Committee.**

By Senators Staton, Johnson, and Woodard:

S. B. 155, a bill to redefine the boundaries of the State government center as set forth in G. S. 146-22.1(3).
Referred to **State Government Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 14 (Committee Substitute), a bill to conform State law on legislators' income tax deductions for business expenses to federal law.
Referred to **Finance Committee.**

H. B. 121 (Committee Substitute), a bill to amend G. S. 20-16.2 relating to mandatory revocation of license.
Referred to **Judiciary II Committee.**

H. B. 197 (Committee Substitute), a bill to require all brake lights to be red and permit other lights on the rear of any motor vehicle to be amber, yellow, or white.
Referred to **Ways and Means/Transportation Committee.**

H. B. 235 (Committee Substitute), a bill regarding jurisdiction to override certain privileges.
Referred to **Judiciary II Committee.**

H. B. 245, a bill to change the style of the governing board of the City of Lincolnton from the Board of Aldermen to the City Council.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 56, a bill to authorize property owner participation in the costs of road maintenance, improvements, additions and acquisition of right-of-way.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 95, a bill to allow the Montgomery County Board of Education to convey certain lands at private sale to the Candor Lions Club.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 97 (Committee Substitute), a bill to clarify the length of time for which notice of a foreclosure hearing must be posted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 113, a bill to provide that certain private roads serving as the only land access between two communities must be open.

Pursuant to Rule 42.1(a), Senator Rauch, Co-Chairman of the **Finance Committee,** requests a fiscal note, and the bill is placed on the Calendar for Friday, March 4.

S. B. 131, a bill concerning boll weevil eradication.

On motion of Senator White the bill is re-referred to the **Finance Committee.**

S. B. 138, a bill to allow the Sheriff and Deputy Sheriffs of Carteret County to purchase automobiles from State surplus.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 148, a bill to allow a sanitary district to engage in litigation or join with others in litigation opposing the withdrawal of water from the Roanoke River Basin.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted, changing the title to read **S. B. 148,** a bill to allow a sanitary district to engage in litigation or join with others in litigation opposing the withdrawal of water from a river or other water supply.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 95, a bill regarding ambulance service in Cherokee, Clay, Davie, Hoke, Macon, Wilkes, and Yadkin Counties.

The bill passes its second and third readings and is ordered enrolled.

H. B. 111, a bill to amend G. S. 20-88 relating to property-hauling vehicles.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 120 (Committee Substitute), a bill to amend G. S. 44A-4 relating to sale of motor vehicles to satisfy liens.

The Committee Substitute bill passes its second (elctronically recorded) and third readings and is ordered enrolled.

H. B. 126, a bill to change the date when the term of office of the Sheriff of Cleveland County begins, in order to conform to general law.

The bill passes its second and third readings and is ordered enrolled.

H. B. 154, a bill to prohibit assaults and threats against judicial officials.

On motion of Senator Edwards of Caldwell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) reading.

On objection of Senator Jenkins to its third reading the bill, as amended, remains on the Calender for further consideration.

On motion of Senator Royall, seconded by Senator Hancock, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, March 3, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend G. Wilson Gunn, Pastor of North Raleigh Presbyterian Church, Raleigh, as follows:

"Gracious and loving Lord, giver of life and breath and hope itself, we come together today seeking to do Your will as we shape the laws of our State. Bless us with a special sense of Your justice. Reveal to us the extent of our own weaknesses that we may be humble enough to ask Your help. Guide us with a firm vision of Your government, Your kingdom, so that we may seek that kingdom here on earth in our homes, in our offices, and even as we lead this State. Keep us from narrow interests and selfish persuasions that we may truly seek the good of all people. Judge us, forgive us, direct us and bless us that we may be a blessing to this State as we do our work in this place. By the power of Your name O Lord we pray. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harris of Cleveland and Harris of Mecklenburg for today and to Senators Thomas of Henderson, Harris of Mecklenburg, and Wright for tomorrow, March 4.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 118, a bill to allow State and local governments and public authorities to deposit

public moneys at interest in any savings and loan association in the State, and to designate as official depositories one or more savings and loan associations in this State, with a favorable report.

On motion of Senator Edwards of Caldwell, the bill is placed on the Calendar for Monday, March 7.

S. B. 119, a bill to amend Chapter 54B of the General Statutes of North Carolina relating to savings and loan associations, with a favorable report, as amended.

On motion of Senator Edwards of Caldwell, the bill is placed on the Calendar for Monday, March 7.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 144, a bill to promote fair commercial practices in the wholesale wine industry, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Jenkins:

S. B. 156, a bill to increase the amount of federal retirement pay excluded from gross income.

Referred to **Finance Committee.**

By Senators Woodard, Allred, Barnes of Forsyth, Davis, Gray, Hipps, Johnson, Martin, Rand, Redman, Staton, Walker, and Wright:

S. B. 157, a bill to authorize high school librarians to register voters.

Referred to **State Government/Election Laws Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 129, a bill to provide that the Division of Motor Vehicles may not issue a driver's license to a person whose license was cancelled in another jurisdiction.

Referred to **Ways and Means/Transportation Committee.**

H. B. 152 (Committee Substitute), a bill to permit transfer of prisoners among counties.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 192, a bill to clarify the aggravating factor regarding pecuniary gain under the Fair Sentencing Act.

Referred to **Judiciary II Committee.**

H. B. 257, a bill to establish three-year terms for members of the State Board of Registration for Foresters and to set a limit of two consecutive terms.

Referred to **State Government Committee.**

H. B. 325, a bill to amend the weights and measures law concerning scale technicians.
Referred to **Agriculture Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. R. 4, a Senate resolution adopting the permanent rules of the Senate for the 1983 Session of the General Assembly of North Carolina, for adoption.

On motion of Senator Lawing, Committee Amendments No. 1, 2, 3, 4, and 5 are adopted.

Without objection, Senator Lawing withdraws Committee Amendment No. 6.

Senator Lawing offers Amendment No. 7 which is adopted (electronically recorded).

On motion of Senator Lawing, Committee Amendments No. 8, 9, 10, 11, and 12 are adopted.

Senator Swain offers Amendment No. 13 which is adopted (electronically recorded).

Senator Royall offers Amendment No. 14 which is adopted (electronically recorded).

On motion of Senator Lawing, the Senate resolution, as amended, is adopted (electronically recorded).

Senator Lawing moves that the vote by which the Senate resolution, as amended, was adopted be reconsidered, which motion prevails.

Upon motion of Senator Lawing, the Senate resolution is ordered engrossed and placed on the Calendar for Monday, March 7, for adoption.

S. B. 74, a bill to amend the requirements for receipt of service and disability retirement benefits from the Durham Firemen's Supplemental Retirement System.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 122, a bill relating to hunting foxes in Onslow County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 144 (Committee Substitute), a bill to promote fair commercial practices in the wholesale wine industry.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 24, a bill to provide alternative beginning dates for parcel identifier indexes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 25, a bill to expand the membership of the Advisory Budget Commission.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 109 (Senate Committee Substitute), a bill to amend the provisions of the wildlife preserve and bird sanctuary in Arrowhead Beach Subdivision, Chowan County.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 128, a bill to amend Article 3 of Chapter 20 of the General Statutes relating to authority to provide special services, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None

The bill remains on the Calendar upon third reading.

H. B. 154, a bill to prohibit assaults and threats against judicial officials, as amended, upon third reading.

Senator Hipps offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third (electronically recorded) reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and 2.

H. B. 163, a bill to amend the qualifications for licensure in architecture.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 85 (Committee Substitute), an act to regulate hunting in Lenoir County. (Ch. 41)

H. B. 95, an act regarding ambulance service in Cherokee, Clay, Davie, Hoke, Macon, Wilkes, and Yadkin Counties. (Ch. 42)

H. B. 111, an act to amend G. S. 20-88 relating to property-hauling vehicles. (Ch. 43)

H. B. 120 (Committee Substitute), an act to amend G. S. 44A-4 relating to sale of motor vehicles to satisfy liens. (Ch. 44)

H. B. 126, an act to change the date when the term of office of the Sheriff of Cleveland County begins, in order to conform to general law. (Ch. 45)

On motion of Senator Lawing, seconded by Senator Royall, the Senate adjourns to meet tomorrow at 11:00 A.M.

THIRTY-EIGHTH DAY

SENATE CHAMBER,
Friday, March 4, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, Creator of all the earth, we give You thanks for this beautiful day, and for the promise of spring which is in the air. This is the season of renewal, of hope, of great expectation. As the earth is renewed with green and growing things, so also may we be renewed by the power of Your Spirit working within us. Help us see new opportunities for service, new promises for the budding and flowering of the people, new light to brighten the darkness of despair that so easily overcomes us. As the cycles of nature lead us toward more promising times, may we be daily reminded that You are the Lord, and that Your will for us and all the people is hope, joy, peace, and the fulfillment of the human potential You have given each of us. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Childers, Hipps, Harrington, Soles, Rand, and Rauch for today.

Leaves of absence granted previously to Senators Marvin, Harris of Mecklenburg, Thomas of Henderson, Woodard, and Wright are noted.

WITHDRAWAL FROM CALENDAR

H. B. 215, a bill to amend the requirements for operating residential maternity care homes.

On motion of Senator Harris of Cleveland, the rules are suspended and the bill is taken from the Calendar for Monday, March 7, and recommitted to the **Human Resources Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Edwards of Caldwell:

S. B. 158, a bill to amend Article 3 of Chapter 135 of the General Statutes of North Carolina to effect needed economies in the State Employee Health Benefit Plan by eliminating double recoveries.

Referred to **Pensions and Retirement Committee.**

By Senators Thomas of Henderson and Hipps:

S. B. 159, a bill to increase facility fees in the Trial Divisions of the General Courts of Justice.

Referred to **Finance Committee.**

By Senators Ward and Barnes of Forsyth:

S. B. 160, a bill to amend the Winston-Salem Firemen's Retirement Fund Association.

Referred to **Pensions and Retirement Committee.**

By Senators Davis, Allred, Barnes of Forsyth, Childers, Daniels, Edwards of Guilford, Edwards of Caldwell, Guy, Hipps, Jenkins, Martin, Rand, Rauch, Soles, Staton, Tally, Walker, Winner, Woodard, and Wright:

S. B. 161, a bill to broaden the chief district court judge's authorization to assign magistrates to temporary duty outside their county of residence.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

By Senators Allred, Davis, Jenkins, Redman, and Swain:

S. B. 162, a bill to provide for community service as a condition of probation for littering.
Referred to **Judiciary I Committee.**

By Senator Warren:

S. B. 163, a bill requiring repeal of existing regulatory provisions of law when new regulatory laws are enacted.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Warren:

S. B. 164, a bill to appropriate funds to the Department of Commerce to reimburse counties for services necessitated by the presence of migrant farm workers.
Referred to **Appropriations Committee.**

By Senator Warren:

S. B. 165, a bill to create the felony offenses of use of a child in a sexual performance and promoting a sexual performance by a child.
Referred to **Judiciary II Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 67, a bill to rewrite and simplify G. S. 14-269 regarding carrying concealed weapons.
Referred to **Judiciary II Committee.**

H. B. 78, a bill to allow the Mecklenburg County Board of Education to fill by appointment a vacancy created when a member is elected to another public office, local, state or federal.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 249, a bill to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes.
Referred to **Finance Committee.**

H. B. 283, a bill to authorize the City of Albemarle to convey at private sale a tract of land to Collins and Aikman Corporation on a basis other than the highest monetary bid, because such disposition is found to serve the best interest of the municipality.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 297, a bill to raise the size of estates that may be administered under the small

estates provisions of Article 25 of Chapter 28A and under G. S. 7A-111 as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee.**

H. B. 302, a bill to eliminate the requirement for a separate record of renunciation and to clarify language regarding partial renunciations as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee.**

H. B. 309, a bill to increase the penalties for violating ordinances of the City of Charlotte.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 113, a bill to provide that certain private roads serving as the only land access between two communities must be open.

On motion of Senator Daniels, consideration of the bill is postponed until Tuesday, March 8.

H. B. 128, a bill to amend Article 3 of Chapter 20 of the General Statutes relating to authority to provide special services, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Parnell, Plyler, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, and Winner—38.

Voting in the negative: None.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 24, an act to provide alternative beginning dates for parcel identifier indexes. (Ch. 49)

H. B. 25, an act to expand the membership of the Advisory Budget Commission. (Ch. 48)

H. B. 102, an act to clarify the definition of day-care facility. (Ch. 46)

H. B. 163, an act to amend the qualifications for licensure in architecture. (Ch. 47)

On motion of Senator Lawing, seconded by Senator Plyler, the Senate adjourns to meet Monday at 8:00 P.M.

THIRTY-NINTH DAY

SENATE CHAMBER,
Monday, March 7, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"It's Monday again, Lord, and we are not nearly as rested as we thought we would be when we left on Friday. There are too many demands, too many expectations, too many people who need, deserve and demand our time, energy and attention. As we begin this new week, we pray for patience that will help us listen openly to those who want to convince us of the wisdom of doing things their way, for insight that helps us grasp the complexities of problems that are often presented to us in oversimplified form, for wisdom that helps us chart a course that is not merely middle-of-the-road, but honestly seeks to find appropriate compromise between conflicting ideas, for inner strength that enables us to stand fast when necessary against the prevailing views of our sisters and brothers whom we love, but with whom we disagree, and for humility that keeps reminding us that when we have those qualities for which we pray, they are gifts from You, not the creation of our own wisdom and power. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President recognizes the following pages serving in the Senate this week: Angie Ayers, Asheboro; Sharon Beamon, Kinston; Amy Bernhardt, Charlotte; Stephanie Crosby, Hope Mills; Starr Davis, Gastonia; Amanda Deal, China Grove; Cama Duke, Boone; Ritu Gupta, Charlotte; Sidney Heilig, Greensboro; Dollie Hines, Southmont; Audrey Jordan, Durham; Michelle Kiaku, Raleigh; Michelle Kosempa, Durham; Edwina Lowry, Pembroke; Deborah McCarley, Hickory; Anja Patton, Wadesboro; Angela Perkins, Greenville; Kalen Rhodes, Hendersonville; Renee Sigmon, Hudson; Missy Umberger, Hickory; Josephine Williamson, Brown Summit; Yulanda Michelle Williams, Shelby; and Yolanda Michelle Wilson, Lincolnton.

RE-REFERRAL

S. B. 165, a bill to create the felony offenses of use of a child in a sexual performance and promoting a sexual performance by a child.

Without objection, the Chair orders the bill taken from the **Judiciary II Committee** and re-referred to the **Judiciary III Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Craven:

S. B. 166, a bill to permit the Town of Beaufort to dispose of certain property.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Rand and Tally:

S. B. 167, a bill to authorize a new district court judge in the Twelfth Judicial District.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 55, a bill to allow the Orange County Board of Elections to establish a second office to handle one-stop absentee voting.
Referred to **State Government/Election Laws Committee.**

H. B. 141, a bill to include educational, professional and career plans as a consideration in alimony awards.
Referred to **Judiciary II Committee.**

H. B. 181, a bill to expand the extraterritorial jurisdiction of the Norwood Town Police to two miles.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 209, a bill to exempt tow dollies from certificate of title and registration requirements for motor vehicles.
Referred to **Ways and Means/Transportation Committee.**

H. B. 211, a bill to amend the Nursing Home Administrator Act.
Referred to **Human Resources Committee.**

H. B. 296, a bill relating to hunting foxes in Onslow County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 308, a bill to amend the Charter of the City of Charlotte relating to the sale of real property.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 311, a bill to define the corporate limits of the Town of Troutman in Iredell County.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. R. 4, a Senate resolution adopting the permanent rules of the Senate for the 1983 Session of the General Assembly of North Carolina, for adoption, as amended.
Senator Jenkins offers Amendment No. 15 which is adopted (electronically recorded).
Senator Allsbrook offers Amendment No. 16 which is adopted (electronically recorded).
On motion of Senator Lawing, the Senate resolution is adopted (electronically recorded) and ordered engrossed.
The text of the Senate resolution is as follows:

PERMANENT RULES OF THE 1981 SENATE GENERAL ASSEMBLY OF NORTH CAROLINA

I. Order of Business, Rules 1-7
II. Conduct of Debate, Rules 8-17
III. Motions, Rules 18-24
IV. Voting, Rules 25-30
V. Committees, Rules 31-37
VI. Handling Bills, Rules 38-59
VII. Legislative Officers and Employees, Rules 60-65
VIII. General Rules, Rules 66-77

I. Order of Business

RULE 1. **Rules controlling the Senate of North Carolina and its committees.** — The following rules shall govern and control all actions and procedures of the Senate and its committees.

RULE 2. **Convening hour.** — The President shall take the Chair at the hour fixed by the Senate upon adjournment on the preceding legislative day, and shall call the members to order. In case the Senate adjourned on the preceding legislative day without having fixed the hour of reconvening, the Senate shall reconvene on the next legislative day at 1:30 P.M.

RULE 3. **Opening the session.** — The President shall, upon order being obtained, have the sessions of the Senate opened with prayer.

RULE 4. **Convening in absence of President.** — In the absence of the President, the President Pro Tempore shall reconvene the Senate and preside, and during such time shall be vested with all powers of the President except that of casting a vote in case of tie when he has already voted on the question as a Senator. In the event of the absence of the President and President Pro Tempore at any time fixed for the reconvening of the Senate, the Majority Leader of the Senate, the Principal Clerk of the Senate, or in his or her absence also, some member of the Senate Committee on Rules and Operation of the Senate, shall call the Senate to order and designate some member to act as President.

RULE 5. **Quorum.** — (a) A quorum consists of a majority of all the qualified members of the Senate.

(b) When a lesser number than a quorum convene, the Senators present may send the doorkeeper or any person, for any or all absent Senators, as a majority of the Senators present determine.

RULE 6. **Approval of Journal.** — After the prayer, and upon appearance of a quorum, the President shall cause the Journal of the preceding day to be read and approved, unless the Chairman of the Committee on Rules and Operation of the Senate or some member of the Senate by motion sustained by a majority of the members present, has the reading thereof dispensed with and the same approved as written.

RULE 7. **Order of business.** — After approval of the Journal, the order of business shall be as follows:

(1) Reports of standing committees.

(2) Reports of select committees.
(3) Introduction of bills, petitions, and resolutions.
(4) Messages from the House of Representatives.
(5) Unfinished business of preceding day.
(6) Special orders.
(7) General orders:
  (a) Local bills in numerical order, Senate bills first
    (i) Third reading roll call and electronic voting system votes
    (ii) Second reading roll call and electronic voting system votes
    (iii) Second reading *viva voce*
    (iv) Third reading *viva voce*
  (b) Public bills in numerical order, Senate bills first
    (i) Third reading roll call and electronic voting system votes
    (ii) Second reading roll call and electronic voting system votes
    (iii) Second reading *viva voce*
    (iv) Third reading *viva voce*.

II. Conduct of Debate

RULE 8. **President to maintain order.** — The President shall have general direction of the Hall of the Senate and shall be authorized to take such action as is necessary to maintain order, and in case of any disturbance or disorderly conduct in the galleries or lobbies, he shall have the power to order those areas cleared.

RULE 9. **Substitution for President.** — The President shall have the right to call on any member to perform the duties of the Chair, but substitution shall not extend beyond one day.

RULE 10. **Points of order.** — (a) The President shall preserve order and decorum and proceed with the business of the Senate according to the rules adopted. He shall decide all questions of order, subject to an appeal to the Senate by any member, on which appeal no member shall speak more than once unless by leave of the Senate. A two-thirds vote of the membership of the Senate is necessary to sustain any appeal from the ruling of the Chair.

(b) In the event the Senate Rules do not provide for, or cover any point of order raised by any Senator, the rules of the United States House of Representatives shall govern.

(c) When a Senator is called to order he shall take his seat until the President determines whether he was in order or not; if decided to be out of order, he shall not proceed without the permission of the Senate; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator; and if a Senator is called to order for words spoken, the words excepted to shall be immediately taken down in writing, that the President or Senate may be better able to judge the matter.

RULE 11. **Debating and voting by Lieutenant Governor.** — The Lieutenant Governor, as President of the Senate, being a Constitutional Officer shall not have the right to debate any question or to address the Senate upon any proposition unless by permission of the majority of members present, and shall have the right to vote only when there is a tie vote upon any question or election.

RULE 12. **Obtaining recognition.** — (a) When any Senator is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat and respectfully address the President. No member shall speak further until recognized by the President, and when

two or more members rise at the same time, the President shall name the member to speak.

(b) A Senator who has the floor may yield the floor to another Senator only for the purpose of allowing another Senator to state a question. Only the Chair may award the floor to any Senator for the purposes of allowing that Senator to engage in general debate.

(c) A Senator who has obtained the floor may be interrupted only for the following reasons:

1. a request that the member speaking yield for a question,
2. a point of order, or
3. a parliamentary inquiry.

(d) When a Senator refers to a bill by number on the Senate floor, the short title must be used for clarification.

RULE 13. **Recognition for extending courtesies.** — (a) Courtesies of the floor and galleries shall be extended only by the President on his own motion or upon the written request of a member of the Senate to former members of the General Assembly or to distinguished visitors.

(b) Members may designate Honorary Pages by a statement delivered to the Principal Clerk who will have a certificate issued therefor.

(c) The President may upon written request at intervals between various orders of business extend courtesies to schools or other special large groups visiting in the galleries while they are present, and the President shall, at such times as he deems appropriate, express to those visitors in the galleries the pleasure of the Senate for their presence.

RULE 14. **Limitations on individual debate.** — (a) No Senator shall speak on the same day more than twice on the main question, nor longer than thirty minutes for the first speech and fifteen minutes for the second speech. No Senator shall speak on the same day more than once on an amendment or a motion to reconsider, commit, appeal or postpone, and then no longer than ten minutes. The Senate may, by consent of a majority of the Senators present, suspend the operation of this subsection of this rule during any debate on any particular question.

(b) By permission of the President any member of the Senate may address the Senate from the lectern located on the floor before the dais for the purpose of explaining a bill or resolution, stating a point of personal privilege or for the purpose of debate.

RULE 15. **Priority of business.** — All questions relating to priority of business shall be decided without debate.

RULE 16. **Reading of papers.** — When the reading of a paper, other than a petition, is called for, and any Senator objects to the reading, the question shall be determined by the Senate without debate.

RULE 17. **General decorum.** — (a) Male Senators and male visitors shall uncover their heads upon entering the Senate Chamber while the Senate is in session and shall continue uncovered during their continuance in the Chamber, unless one's religion requires his head to be covered.

(b) No remark reflecting personally upon the action of any Senator shall be in order upon the floor of the Senate unless preceded by a motion or resolution of censure.

(c) When the President is putting a question, or a division by counting is in progress, no Senator shall walk out of or across the Chamber, nor when a Senator is speaking, pass

between him and the President.

(d) When a motion to adjourn or for recess is affirmatively determined, no member or officer shall leave his place until adjournment or recess is declared by the President.

(e) Smoking shall not be allowed in the galleries of the Senate during sessions.

(f) No remark soliciting the donation of funds for the support of any person or organization shall be in order upon the floor of the Senate, unless the remark has some relevance to a bill or resolution before the body. No article of any kind soliciting business or donations may be placed by any person anywhere in the Senate Chamber or in any Senate office.

(g) Food or beverage shall not be permitted in the Senate Chamber, either on the floor or in the galleries; however, after the Senate has remained in session for a period of two hours, food and beverage shall be allowed upon the floor of the Senate.

(h) Reading of newspapers, magazines, periodicals or books shall not be acceptable while the Senate is in session.

III. Motions

RULE 18. **Motions generally.** — All motions shall be reduced to writing, if desired by the President or a Senator, delivered at the table, and read by the President or Reading Clerk before the same are debated; but any motion may be withdrawn by the introducer at any time before decision or amendment. Except as otherwise specifically provided in these rules, no second is required.

RULE 19. **Motions; order of precedence.** — When a question is before the Senate no motion shall be received except those herein specified, which motions shall have precedence as follows:

(1) To adjourn.
(2) To lay on the table.
(3) For the previous question.
(4) To postpone indefinitely.
(5) To postpone to a certain day.
(6) To commit to a standing committee.
(7) To commit to a select committee.
(8) To amend.
(9) To substitute.

RULE 20. **Motions to adjourn and to lay on the table.** — The motions to adjourn and to lay on the table shall be seconded and decided without debate, and the motion to adjourn shall always be in order when made by a Senator entitled to the floor.

RULE 21. **Motions to postpone to certain day and to commit.** — The respective motions to postpone to a certain day, or to commit to a standing or select committee, shall preclude debate on the main question.

RULE 22. **Action when previous question pending.** — When a motion for the previous question is made and is pending, debate shall cease. After a motion for the previous question is made, pending a second thereto, any member may give notice that he desires to offer an amendment to the bill or other matter under consideration; and after the previous question is seconded such member shall be entitled to offer his amendment in pursuance of such notice.

RULE 23. **Motion for previous question.** — The previous question shall be as follows:

"Shall the main question be now put?" and until it is decided shall preclude all amendments and debate. If this question is decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall be taken upon such amendments in their inverse order, without further debate or amendment: Provided, that no one shall move the previous question except the chairman of the committee submitting the report on the bill or other matter under consideration, or the member introducing the bill or other matter under consideration, or the member in charge of the measure, who shall be designated by the chairman of the committee reporting the same to the Senate at the time the bill or other matter under consideration is reported to the Senate or taken up for consideration.

RULE 24. **Motion to reconsider.** — When a question has been once put and decided, any Senator who voted in the majority may move to reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken has gone out of the possession of the Senate; nor shall any motion for reconsideration be in order unless made on the same day or in the next following legislative day on which the vote proposed to be reconsidered took place, unless the motion is made by the Committee on Rules and Operation of the Senate for verbal or grammatical errors in the bills, when the motion may be made at any time: Provided, that when the next legislative day has by motion of the Senate, been restricted as to matters which may be considered, a motion to reconsider shall be in order on the next succeeding day upon which regular business is conducted. No question shall be reconsidered more than once.

IV. Voting

RULE 25. **Use of electronic voting system.** — (a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

(1) All questions on which the Constitution of North Carolina requires that the ayes and noes be taken and recorded on the Journal.

(2) All questions on which a call for the ayes and noes under Rule 26(b) has been sustained.

(3) Both second and third readings of bills proposing amendment of the Constitution of North Carolina.

(b) Votes on the following questions shall be taken on the electronic voting system, and a copy of the machine print-out of the votes shall be filed in the Legislative Library where it shall be open to public inspection:

(1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading, and all conference reports on public bills.

(2) Any other question upon direction of the Chair or upon motion of any Senator supported by one-fifth of the Senators present.

(c) When the electronic voting system is used, the Chair shall fix and announce the time, not to exceed one minute, which shall be allowed for voting on the question before the Senate. The system shall be set to lock automatically and to record the vote when that time has expired. Once the system has locked and recorded a vote, the vote shall be printed by the system.

(d) The voting station at each Senator's desk in the Chamber shall be used only by the

Senator to which the station is assigned. Under no circumstances shall any other person vote at a Senator's station. It is a breach of the ethical obligation of a Senator either to request that another vote at the requesting Senator's station, or to vote at another Senator's station. The Chair shall enforce this rule without exception.

(e) When the electronic voting system is used, the Chair shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no'; _____ seconds will be allowed for voting on this question; the Clerk will unlock the machine." After the machine locks and records the vote, the Chair shall announce the vote and declare the result.

(f) One copy of the machine print-out of the vote record shall be filed in the office of the Principal Clerk, and one copy shall be filed in the Legislative Library where it shall be open to public inspection.

(g) When the Chair ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic system, he shall announce that fact to the Senate and any partial electronic system voting record shall be voided. In such a case, if the Constitution of North Carolina or the Rules of the Senate require a call of the ayes and noes, the Clerk shall call the roll of the Senate, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All other votes shall be taken by voice vote as prescribed in Senate Rule 26(a). If, after a vote is taken on the electronic system, it is discovered that a malfunction caused an error in the electronic system print-out, the Chair shall direct the Reading Clerk and the Principal Clerk to verify and correct the print-out record and so advise the Senate.

(h) For the purpose of identifying motions on which the vote is taken on the electronic system (the identification codes having no relation to the order of precedence of motions), the motions are coded as follows:

1. To lay on the table.
2. For the previous question.
3. To postpone indefinitely.
4. To postpone to a day certain.
5. To refer to a committee.
6. To reconsider.
7. To adopt.
8. To concur.
9. To take from the table.
10. Miscellaneous.

RULE 26. **Voice votes; call for ayes and noes.** — (a) When the electronic voting system is not used, all votes on which a call of the roll of the Senate is not required shall be taken by voice vote. The question shall be put as follows: "Those in favor say 'aye'," and, after the affirmative vote is expressed, "Opposed 'no' "; after which the Chair shall announce the result. If a division on any vote is desired, it must be called for immediately before the result of the voting is announced on any question, and upon such call, the Chair shall require the members to stand and be counted for and against the proposition under consideration.

(b) The ayes and the noes may be called for on any question before the vote is taken. If a Senator desires the ayes and noes recorded on the Journal on a question, he shall address the Chair and obtain recognition and say, "Upon that question I call for the ayes and noes." Whereupon the Chair shall say, "Is the call sustained?" If one-fifth of the Senators present

then stand, the vote shall be taken on the electronic voting system if it is operative, and the ayes and noes shall be recorded on the Journal. If the electronic voting system is inoperative, the roll of the Senate shall be called and the ayes and noes taken manually and recorded on the Journal. If fewer than one-fifth of the Senators present stand to sustain the call, the Chair shall announce, "An insufficient number up" and a vote by electronic voting or by voice, whichever is appropriate under the Rules of the Senate, shall be taken.

RULE 27. **Pairs.** — If a Senator is paired with another Senator on a question, the Senator shall announce the pair as follows: "Mr. President, I desire to announce a pair. If Senator _____ were present, he would vote _____; I would vote _____ (the opposite)." The Senator shall send forward at that time a written statement of the pair on a form provided by the Principal Clerk and neither member of the pair shall vote on the question. A pair shall be announced before the vote is taken *viva voce*, or if the electronic voting system is used, before the machine is unlocked. The Clerk shall record the pair on the Journal when the Constitution or Rules of the Senate require a call of the roll and shall record on the electronic system print-out all pairs announced.

RULE 28. **Dividing question.** — If any question contains several distinct propositions, it shall be divided by the President, at the request of any Senator, provided each subdivision, if left to itself, forms a substantive proposition.

RULE 29. **Duty to vote; excuses.** — (a) Every Senator who is within the bar of the Senate when the question is stated by the Chair shall vote thereon unless he is excused by the Senate. The bar of the Senate shall include the entire Senate Chamber.

(b) Any Senator may request to be excused from voting, either immediately before or after the vote has been called for and before a *viva voce* vote result has been announced or before the electronic voting system has been unlocked. The Senator may make a brief statement of the reasons for making such request, and shall send forward to the Principal Clerk, on a form provided by the Clerk, a concise statement of the reason for the request, and the Clerk shall include this statement in the Journal. The question on granting of the request shall be taken without debate.

RULE 30. **Explanation of vote.** — Any Senator may explain his vote on any bill pending by obtaining permission of the President after the final vote is taken: Provided, that not more than three minutes shall be consumed in such explanation.

RULE 30.1. **Questions of personal privilege.** — Upon recognition by the President for that purpose, any Senator may speak to a question of personal privilege for a time not exceeding three minutes. Personal privilege may not be used to explain a vote or debate a bill. The President shall determine if the question raised is one of privilege and shall, without the point of order being raised, enforce this rule.

V. Committees

RULE 31. **Appointment of committees.** — (a) The President of the Senate, unless he has by law disqualified himself from that office, shall have the exclusive right and authority to appoint all committees, regular or select, and to appoint committee chairmen and vice-chairmen, but he may delegate said authority in any instance, as he may choose. Upon the recommendation of the Committee on Rules and Operation of the Senate, the Senate may authorize, by majority vote of the Senators present and voting, a change in the number of standing committees.

(b) The President of the Senate shall appoint all standing committees at the beginning of the session.

RULE 32. **List of standing committees.** — The standing committees shall be:

Agriculture
Appropriations
  Appropriations Committee on Education
  Appropriations Committee on General Government
  Appropriations Committee on Human Resources
  Appropriations Committee on Justice and Public Safety
  Appropriations Committee on Natural and Economic Resources
Banking
Base Budget
Education
Ethics
Finance
Higher Education
Human Resources
Insurance
Judiciary I
Judiciary II
  Constitutional Amendments Committee
Judiciary III
  Committee on Law Enforcement and Criminal Justice
Local Government and Regional Affairs
Manufacturing, Labor and Commerce
Natural and Economic Resources and Wildlife
Pensions and Retirement
Public Utilities and Energy
Rules and Operation of the Senate
State Government
  Senior Citizens Committee
  Housing Committee
  Election Laws Committee
  Veterans and Military Affairs Committee
Ways and Means
  Economy Committee
  Small Business Committee
  Transportation Committee

RULE 33. **Notice of committee meetings.** — (a) Public notice of all committee meetings shall be given in the Senate. The required notice may be waived as to any meeting by the attendance at that meeting of all of the members of the committee, or by personal waiver.

(b) The chairman of the committee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the committee as to the date, time and place of that meeting.

RULE 34. **Membership of committees; quorum.** — Membership on standing committees shall consist of not more than 22 or less than 5 Senators, including the chairman

and/or co-chairman and vice-chairman who shall be designated by the President; provided, the committee membership on the Appropriations Committee, Base Budget Committee, Finance Committee, State Government Committee, and Ways and Means Committee shall not be limited as to membership but shall be left to the discretion of the President. No Senator shall hold membership on more than 12 standing committees, with the exception of the President's Coordinator of Committees, unless the Rules and Operation of the Senate Committee provides otherwise. A quorum of the Appropriations, Base Budget, Finance, State Government, or Ways and Means Committees shall consist of a majority of the committee. A quorum of any other committee shall consist of either the chairman and five members or a majority of the committee, whichever is fewer.

RULE 35. **Roll Call vote in Committee.** — No roll call vote may be taken in any committee.

RULE 36. **Committee meetings.** — No committee or subcommittee shall hold a secret meeting, and all meetings of committees and subcommittees shall be open to the public: Provided, that any committee or subcommittee has the inherent right to hold an executive session when it determines that it is absolutely necessary to have such a session in order to prevent personal embarrassment, or when it is in the best interest of the State; and in no event shall final action be taken by any committee or subcommittee except in open session.

RULE 36.1. **Committee minutes to Legislative Library.** — The chairman of a committee shall insure that written minutes are compiled for each of the committee's meetings. The minutes shall indicate the number of members present and the actions taken by the committee at the meeting. Not later than 20 days after the adjournment of each session of the General Assembly, the chairman, except the chairman of the Appropriations, Finance, State Government, or Ways and Means Committee, shall deliver the minutes to the Legislative Library. The President Pro Tempore of the Senate may grant a reasonable extension of time for filing said minutes upon application of the committee chairman.

RULE 37. (Reserved for interim operations rule).

VI. Handling Bills

RULE 38. **Construction of rules.** — All provisions of these rules applying to bills shall apply also to resolutions, memorials and petitions.

RULE 39. **Form and copies of bills.** — (a) Unless variation is authorized by the Committee on Rules and Operation of the Senate, bills submitted for introduction shall be in a computer-typed form prepared by the Legislative Services Office. When a bill which is introduced is not in the prescribed form, the Principal Clerk shall cause the bill to be retyped in the prescribed form, and the retyped copy shall become the official copy of the bill for all purposes. The original bill shall then be returned to the introducer of the bill and shall not become a part of the records or documents of the Senate.

(b) Whenever a bill is introduced, 20 copies shall be submitted to the Principal Clerk. Any bill submitted without the required number of copies shall be immediately returned to the introducer.

RULE 39.1. **Public and local bills; availability of copies of bills.** — A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon objection by a member, no local bill may be considered unless copies of

the bill have been made available to the entire membership of the Senate.

RULE 40. **Introduction of bills.** — (a) Every bill filed for introduction shall contain on the outside cover the title of the document and the name of the Senator or Senators presenting it. Bills shall be delivered by the primary sponsor of the document or with the prescribed authorization form signed by the primary sponsor to the office of the Senate Principal Clerk who shall receive them during regular session according to the following schedule:

Monday until 8:30 o'clock P.M.;
Tuesday, Wednesday, and Thursday until 4:00 o'clock P.M.;
Friday until 3:00 o'clock P.M.

All bills shall be numbered by the Office of the Principal Clerk when filed and shall be considered introduced when presented to the Senate on the next following legislative day for the first reading and reference to committee.

(b) Filing of bills during the interim shall be under the direction of the Rules and Operation of the Senate Committee as approved by the Senate.

(c) All celebration, commendation, and commemoration resolutions, except those honoring the memory of deceased persons, shall be excluded from introduction in the Senate if the House has a substantially similar rule on these resolutions.

RULE 41. **Deadline on introduction of certain bills.** — All bills prepared to be introduced by departments, agencies or institutions of the State must be introduced in the Senate not later than April 1 of the session. All local bills must be introduced not later than April 1 of the session. All resolutions, except those honoring the memory of deceased persons, must be introduced not later than April 1 of the session.

RULE 41.1. **Relationship between Ways and Means Committee and other committees dealing with money matters; relationship between these other committees dealing with money matters.** — The Committee on Ways and Means shall have responsibility for final consideration of bills dealing with money matters before the bills are considered on the floor of the Senate. All bills referred by the President to the Committee on Appropriations, and the Committee on Finance shall be referred by the chairman or co-chairman of the respective committee to the Committee on Ways and Means for consideration before the bills go to the floor of the Senate, if the chairman of the Committee on Appropriations and the Co-chairmen of the Committee on Finance agree that said bill should be re-referred to the Committee on Ways and Means. Bills referred to the Committee on Appropriations by the President may be referred by the Chairman of the Committee on Appropriations to the Appropriations Committee on Human Resources, Appropriations Committee on Education, Appropriations Committee on General Government, Appropriations Committee on Justice and Public Safety, and Appropriations Committee on Natural and Economic Resources for a report back to the Committee on Appropriations.

RULE 42. **References of appropriations and finance bills.** — All bills introduced in the Senate providing for appropriations from the State, or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Appropriations, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Appropriations Committee before proper action may be taken by the Senate. All bills introduced in the Senate providing for bond issues, levying taxes, or in any manner affecting the taxing power of the State or any

subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Finance, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Finance Committee before proper action may be taken by the Senate.

RULE 42.1. **Fiscal notes.** — (a) The chairman or co-chairmen or vice-chairman of the Appropriations Committee, of the Finance Committee or of the Rules Committee, or of the Ways and Means Committee, upon the floor of the Senate, may request that a fiscal analysis be made of a bill, resolution or an amendment to a bill or resolution which is in the possession of the Senate and that a fiscal note be attached to the measure, when in the opinion of that chairman or vice-chairman the fiscal effects of that measure are not apparent from the language of the measure.

(b) The fiscal note shall be filed and attached to the bill or amendment within two legislative days of the request. If it is impossible to prepare a fiscal note within two legislative days, the Director of Fiscal Research shall, in writing, so advise the Presiding Officer, the Principal Clerk, and the member introducing or proposing the measure and shall indicate the time when the fiscal note will be ready.

(c) The fiscal note shall be prepared by the Fiscal Research Division on a form approved by the Rules Committee as to content and form and signed by the staff member or members preparing it. If no estimate in dollars is possible, the fiscal note shall indicate the reasons that no estimate is provided. The fiscal note shall not comment on the merit but may identify technical problems. The Fiscal Research Division shall make the fiscal note available to the membership of the Senate.

(d) A sponsor of a bill or amendment may deliver a copy of his bill or amendment to the Fiscal Research Division for the preparation of a fiscal note. Prior to the filing of the bill or proposing of the amendment, the Fiscal Research Division, except to the sponsor, shall keep in confidence the identity of the sponsor. The sponsor shall attach the fiscal note to the bill when he files the bill or to the amendment when he moves its adoption.

(e) The sponsor of a bill or amendment to which a fiscal note is attached who objects to the estimates and information provided may reduce to writing his objections. These objections shall be appended to the fiscal note attached to the bill or amendment and to the copies of the fiscal note available to the membership.

(f) Subsection (a) of this rule shall not apply to the current operations appropriations bill or the capital improvements appropriations bill. This rule shall not apply to a bill or amendment requiring an actuarial note under these rules.

RULE 42.2. **Actuarial notes.** — (a) Every bill or resolution proposing any change in the law relative to any State-administered retirement or pension system shall have attached to it at the time of its consideration by any committee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any committee, shall be separate therefrom, and shall be clearly designated as an actuarial note.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with his request for an actuarial note, to the Fiscal Research Division which shall prepare the actuarial note as promptly as possible but not later than two weeks after the request is made. Actuarial notes shall be prepared in the order of receipt of request and shall be transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research Division shall be prepared and signed by an actuary.

(c) The sponsor of the bill or resolution shall also present a copy of the measure to the chief administrative officer of the retirement or pension system affected by the measure. The chief administrative officer shall have an actuarial note prepared by the system's actuary on the measure and shall transmit the note to the sponsor of the measure not later than two weeks after the request is received. The actuarial note shall be attached to the jacket of the measure.

(d) The note shall be factual and shall, if possible, provide a reliable estimate of both the immediate effect and, if determinable, the long range fiscal and actuarial effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the actuarial note with regard to the merits of the measure for which the note is prepared. Technical and mechanical defects in the measure may be noted.

(e) When any committee reports a measure to which an actuarial note is attached at the time of committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any retirement or pension system, the chairman of the committee reporting the measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. An amendment to any bill or resolution shall not be in order if the amendment affects the costs to or the revenues of a State-administered retirement or pension system, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

(f) The Fiscal Research Division shall make all relevant actuarial notes available to the membership of the Senate.

RULE 43. **First reading; reference to committee.** — All bills filed, upon presentation to the Senate, shall be read in regular order of business by their number and title which shall constitute the first reading of the bill and unless otherwise disposed of, the President or Presiding Officer shall announce the referral of the document. The title and referral shall be entered on the Journal.

RULE 44. **Bills to receive three readings.** — Every bill shall receive three readings previous to being passed, and the President shall give notice at each whether it be the first, second, or third. After the first reading, unless a motion is made by some Senator, the President shall refer the bill to an appropriate committee. No bill shall be amended upon the floor of the Senate until it has been twice read. Senate simple resolutions shall not require three readings.

RULE 45. **Reports of committees.** — Every Senator presenting a report of a committee shall endorse the report with the name of the committee and, in case of a minority report, with the names of the members making the report. The report of the committee shall show that a majority of the committee were present and voted. Every report of the committee upon a bill or resolution shall stand upon the general orders with the bill or resolution. No committee shall report a bill or resolution without prejudice.

RULE 45.1. **Action on amendment before re-referral.** — If any committee recommends adoption of an amendment or committee substitute of a bill which, under the rules of the Senate must be referred to the Committee on Appropriations or Committee on Finance, the amendment or committee substitute shall be considered and, if adopted, the amendment or substitute engrossed before the bill is re-referred.

RULE 46. **Unfavorable report by committee.** — (a) All bills reported unfavorably by the committee to which they were referred, and having no minority report, shall lie upon the table, but may be taken from the table, and placed upon the calendar by a two-thirds vote of the membership of the Senate.

(b) When a bill is reported by a committee with an unfavorable report, but accompanied by a minority report, signed by at least three members of the committee who were present and who voted on the bill when the bill was considered in committee, then the minority report shall be placed on the calendar and considered the following day, and the question before the Senate shall be "The adoption of the Minority Report". If the minority report is adopted by a majority vote, the bill shall be placed upon the calendar; if the minority report is not adopted, the bill shall lie upon the table.

RULE 47. **Recall of bill from committee.** — When a bill has been introduced and referred to a committee, if after 10 days the committee has failed to report thereon, then the author of the bill may, after three days' public notice given in the Senate and delivered in writing to the chairman of the committee, on motion supported by a vote of two-thirds of the membership of the Senate, recall the bill from the committee to the floor of the Senate for consideration and such action thereon as a majority of the Senators present may direct. This rule shall not be temporarily suspended without one day's notice on the motion given in the Senate and delivered in writing to the chairman of the committee and to sustain that motion two-thirds of the membership of the Senate shall be required.

RULE 48. **Calendar; order to be followed.** — The President and the Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in which they stand upon the calendar, unless otherwise ordered as hereinafter provided. The published calendar shall include all bills reported favorably from committees, or reported with a minority report attached, or placed on the calendar on motion: **Provided,** that the published local calendar may carry the number of each bill, the county or counties referred to, and an abbreviated statement of the title of the bill.

RULE 49. **Considering bills out of regular order.** — Except as provided in Rule 50, any bill or other matter may be taken up out of order upon order of the President or upon motion sustained by a majority of the membership of the Senate.

RULE 50. **Third reading requirements.** — No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate.

RULE 51. **Special orders.** — Any bill or other matter may be made a special order for a particular day or hour by a vote of the majority of the Senators voting, and if action on the bill is not completed on that day, it shall be returned to its place on the calendar, unless it is made a special order for another day; and when a special order is under consideration it shall take precedence over any special order or subsequent order for the day, but such subsequent order may be taken up immediately after the previous special order has been disposed of.

RULE 52. **Procedure when necessary number of Senators not present.** — If, on taking the question on a bill, it appears that a constitutional quorum is not present, or if the bill requires a vote of a certain proportion of all the Senators to pass it, and it appears that such number is not present, the bill shall be again read and the question taken

thereon; if the bill fails a second time for the want of the necessary number being present and voting, the bill shall not be finally lost, but shall be returned to the calendar in its proper order.

RULE 53. **Effect of defeated bill.** — (a) After a bill has been tabled, has failed to pass on any of its readings, or has been placed on the unfavorable calendar, the contents of such bill or the principal provisions of its subject matter shall not be embodied in any other measure. Upon the point of order being raised and sustained by the Chair, such measure shall be laid upon the table, and shall not be taken therefrom except by a vote of two-thirds of the qualified membership of the Senate: Provided, no local bill shall be held by the Chair as embodying the provisions, or being identical with any statewide measure which has been laid upon the table or failed to pass any of its readings.

(b) When a bill has been postponed indefinitely by the Senate, the bill shall lie upon the table, and shall not be taken therefrom except by a vote of two-thirds of the membership of the Senate.

RULE 54. **Taking bill from table.** — No bill which has been laid upon the table shall be taken therefrom except by a vote of two-thirds of the membership of the Senate.

RULE 54.1. **Bill title.** — The title of each bill shall adequately and fairly reflect its subject matter.

RULE 55. **Amending titles of bills.** — When a bill is materially modified or the scope of its application extended or decreased, or if the county, or counties, to which it applies is changed, the title of the bill shall be changed by the Senator introducing the bill or by the committee having it in charge, or by the Principal Clerk, so as to indicate the full purport of the bill as amended and the county or counties to which it applies.

RULE 56. **Corrections of typographical errors in bills.** — The Enrolling Clerk is authorized to make corrections of typographical errors in the text of bills at any time prior to ratification. Before the correction is made, the Enrolling Clerk shall have the approval of the Chairman of the Committee on Rules and Operation of the Senate.

RULE 57. **Conference committees.** — Whenever the Senate declines or refuses to concur in amendments put by the House to a bill originating in the Senate, or refuses to adopt a substitute adopted by the House for a bill originating in the Senate, a conference committee shall be appointed upon motion and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the Senate and House. In considering matters in difference between the Senate and House committed to the conferees, only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. The conference report shall not be amended. Except as herein set out, the rules of the United States House of Representatives shall govern the appointment, conduct, and reports of the conferees.

RULE 57.1. **Amendments and committee substitutes adopted by the House to bills originating in the Senate.** — (a) Whenever the House has adopted an amendment or a committee substitute for a bill originating in the Senate, and has returned the bill to the Senate for concurrence in that amendment or committee substitute, the Senate may not concur in that amendment or committee substitute until the next legislative day following the day on which the Senate receives that measure.

(b) The Presiding Officer may, and upon motion supported by a majority of the Senate present and voting, shall refer the bill to an appropriate committee for consideration of the amendment or committee substitute.

(c) The Presiding Officer shall, in placing the bill on the calendar, rule whether the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution. If the measure was referred to committee, the committee shall:

i. report the bill with the recommendation either that the Senate concur or that the Senate do not concur; and

ii. advise the Presiding Officer as to whether or not the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution.

(d) If the amendment or committee substitute for a bill is not a material amendment, the question before the Senate shall be concurrence.

(e) If the amendment or committee substitute for a bill is a material amendment, the receiving of that bill on messages shall constitute first reading and the question before the House shall be concurrence on second reading. If the motion is passed, the question then shall be concurrence on third reading on the next legislative day.

(f) No committee substitute adopted by the House to a bill originating in the Senate may be amended by the Senate.

RULE 58. **Certification of passage of bills.** — The Principal Clerk shall certify the passage of bills by the Senate, with the date thereof, together with the fact whether passed by vote of three-fifths or two-thirds of the Senate, whenever such vote may be required by the Constitution or laws of the State.

RULE 59. **Transmittal of bills to House.** — No bill shall be sent from the Senate on the day of its passage except on the last day of the session, unless otherwise ordered by a vote of two-thirds of the membership of the Senate.

RULE 59.1. **Engrossment.** — Bills and resolutions, except those making appropriations, which originate in the Senate and which are amended shall be engrossed before being sent to the House.

VII. Legislative Officers and Employees

RULE 60. **Pages.** — The President of the Senate shall appoint pages. The President, or such person as he may designate, shall supervise the pages and assign to them their duties. Each page shall be at least 14 years of age.

RULE 61. **Sergeants-at-Arms.** — (a) There shall be 14 positions of Assistant Sergeants-at-Arms to be appointed by the Sergeant-at-Arms who are to work under his or her supervision and to be assigned such duties and powers as he or she shall direct.

(b) The Sergeant-at-Arms shall be responsible for the safety of the members and employees of the Senate while in the Senate Chamber, or any place in which the Senate or its committees are in session.

(c) The Sergeant-at-Arms shall serve all warrants and subpoenas issued by orders of the Senate and signed by the President of the Senate, and said warrants and subpoenas shall be returnable to the Principal Clerk of the Senate.

RULE 62. **Principal Clerk's staff.** — The Principal Clerk of the Senate shall employ

all necessary employees and clerks required to carry out the duties of his or her office. The Principal Clerk shall have supervision and control, and shall assign such duties and powers as he or she shall direct to his or her employees and clerks.

RULE 63. **Committee clerks and secretaries.** — (a) Each committee shall have a clerk. The clerk to a committee shall serve as secretary to the chairman of that committee.

(b) Each member shall be assigned a secretary, unless he or she has a committee clerk to serve as his or her secretary.

(c) The selection of said clerk and/or secretary shall be the prerogative of the individual member. Such clerks and secretaries shall file initial applications for employment with the Supervisor of Clerks and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of clerks and secretaries shall comply with the period as established by the Legislative Services Commission unless employment for an extended period is approved by the President Pro Tempore. The clerks and secretaries shall adhere to such uniform regulations and other conditions of employment (including retention) under the direction of the Supervisor of Clerks as the Committee on Rules and Operation of the Senate shall adopt.

(d) The Supervisor of Clerks and any assistants shall be appointed by the President of the Senate.

RULE 64. **Senate Journal.** — The Principal Clerk shall prepare and be responsible for the Journal. The Committee on Rules and Operation of the Senate shall examine the Journal to determine if the proceedings of the previous day have been correctly recorded.

RULE 65. (Reserved for future addition to rules).

VIII. General Rules

RULE 66. **President to sign papers.** — All acts, addresses and resolutions, and all warrants and subpoenas issued by order of the Senate shall be signed by the President.

RULE 67. **Admission to the floor of the Senate.** — No person except members of the Senate, members of the House of Representatives, staff of the General Assembly; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by the President shall be admitted to the floor of the Senate during its session. No registered lobbyist shall be admitted to the floor of the Senate or Senate Chamber while the Senate is in session.

RULE 68. **Privileges of the floor.** — Any group or individual other than members of the Senate who desires to make remarks upon the floor of the Senate will first obtain approval of the Committee on Rules and Operation of the Senate.

RULE 69. **News media.** — The President is authorized to assign area and equipment on the floor of the Senate for the use of the representatives of news media; and the President shall provide regulations for the operation of the representatives of the news media on the floor of the Senate.

RULE 70. **Absence without leave.** — No Senator or officer of the Senate shall depart the service of the Senate without leave, or receive pay as a Senator or officer for the time he is absent without leave.

RULE 71. **Placing material on Senators' desks.** — Any person other than a member of the Senate desiring to place articles of any kind on or about desks in the Senate Chamber or in the offices of the members of the Senate shall make written application to, and obtain written approval from the Principal Clerk.

RULE 72. **Assignment of offices.** — The Chairman of the Committee on Rules and Operation of the Senate, subject to the approval of the Committee, is authorized to make assignments of committee rooms and offices to designated committees, chairmen, and members of the Senate. The office adjacent to any committee room assigned to a principal committee by the Chairman of the Committee on Rules and Operation of the Senate, subject to the approval of the Committee on Rules and Operation of the Senate, shall be automatically assigned to the chairman of the principal committee. In making such assignments of individual offices, the said Rules Committee Chairman shall give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate.

RULE 73. **Administrative rules and regulations involving Senate employees.** — All administrative rules, regulations and orders involving all individuals employed to perform duties for the Senate, other than those appointed by the Principal Clerk and the Sergeant-at-Arms, shall be first approved by the Committee on Rules and Operation of the Senate.

RULE 74. **Notice of public hearings.** — Notice shall be given not less than five calendar days prior to public hearings. Such notices shall be issued as information for the press and the information shall be posted in the places designated by the Principal Clerk.

RULE 75. **Public hearings, filing of written statements.** — Persons desiring to appear and be heard at a public hearing are encouraged to file with the chairman of the committee a brief or a written statement of the remarks to be made at least 24 hours before the time of the hearing.

RULE 76. **Voting in joint sessions.** — When any Senate Committee sits jointly with the House Committee, the Senate Committee reserves the right to vote separately from the House Committee.

RULE 77. **Alterations, suspension or rescission of rules.** — (a) These rules may not be permanently rescinded or altered except by Senate simple resolution passed by a two-thirds vote of the membership of the Senate. The introducer of the resolution must, on the floor of the Senate, give notice of his intent to introduce the resolution on the legislative day preceding its introduction.

(b) Except as otherwise provided herein, the Senate, upon two-thirds vote of the membership of the Senate, may temporarily suspend any of these rules, except that a motion to suspend the provisions of Rule 41 relating to the deadline for introduction of local bills may only be adopted by an affirmative vote of four-fifths of the Senators present and voting.

Sec. 2. This resolution is effective upon its adoption.

S. B. 118, a bill to allow State and local governments and public authorities to deposit public moneys at interest in any savings and loan association in the State, and to designate as official depositories one or more savings and loan associations in this State.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

March 7, 1983

S. B. 119, a bill to amend Chapter 54B of the General Statutes of North Carolina relating to savings and loan associations.

On motion of Senator Edwards of Caldwell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 101 (Committee Substitute), a bill to raise age limits for day-care staff.

On motion of Senator Harris of Cleveland, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 212, a bill to establish a seven-member Board of Mortuary Science, to set three-year terms, and to limit service to two consecutive terms.

The bill passes its second (electronically recorded) reading.

On objection of Senator Harris of Cleveland to its third reading the bill remains on the Calendar for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 68, an act to amend and clarify the penalties for driving on a permanently revoked license. (Ch. 51)

S. B. 73, an act to incorporate the Town of Cajah Mountain in Caldwell County. (Ch. 52)

H. B. 128, an act to amend Article 3 of Chapter 20 of the General Statutes relating to authority to provide special services. (Ch. 50)

On motion of Senator Lawing, seconded by Senator Plyler, the Senate adjourns to meet tomorrow at 1:30 P.M.

FORTIETH DAY

SENATE CHAMBER,
Tuesday, March 8, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, Your servant Amos reminds us that You desire mercy, not sacrifice, justice among the people more than burnt offerings. We confess that it is easier to bring You burnt offerings than to deal justly with brothers and sisters. It is more satisfying to sing hymns than to ask hard questions of ourselves about the fair and equitable distribution of wealth. We pray today, Father, for the wisdom and strength and integrity to deal with the hard questions of life. We ask that You will pour out a double measure of Your spirit on the men and women of this Senate as they seek to decide questions of fairness, of

mercy, of justice. Remind them, remind all of us, that our treatment of each other is not a separate thing from our faith, but is indeed the sign and symbol of what we believe. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Walker for today.

The President grants courtesies of the gallery to Mary Horne Odom, former Senator from Scotland County.

APPOINTMENT OF COMMITTEE

The President announces the following appointments to the standing Ethics Committee, as established by Rule 32 adopted on March 7:

ETHICS COMMITTEE: Senators Rauch, Chairman; Ballenger, Hardison, Royall, and Swain.

APPOINTMENTS BY THE GOVERNOR

The President directs the Reading Clerk of the Senate to read the following message from the Governor:

State of North Carolina
Office of the Governor
March 7, 1983

The Honorable James C. Green
Lt. Governor of North Carolina
North Carolina General Assembly
Legislative Office Building
Raleigh, North Carolina 27611

Dear Lt. Governor:

Pursuant to the provisions of North Carolina General Statute Section 115-2, I submit herewith to the General Assembly the persons listed below whom I have recommended as members of the State Board of Education:

1. Norma Turnage, representing Education District 3, to be reappointed to a term expiring April 1, 1991.

2. C. D. Spangler, Jr., representing Education District 6, to be reappointed to a term expiring April 1, 1991.

3. Mebane Pritchett to be appointed to an at large position to a term expiring April 1, 1985.

Sincerely,
S/ JAMES B. HUNT, JR.

Referred to **Education Committee.**

March 8, 1983

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 154

HOUSE OF REPRESENTATIVES
March 7, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment #1 to **H. B. 154,** A BILL TO BE ENTITLED AN ACT TO PROHIBIT ASSAULTS AND THREATS AGAINST JUDICIAL OFFICIALS and requests conferees. The Speaker has appointed Representatives Blue, Hackney, and Spaulding on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Edwards of Caldwell moves that the President appoint conferees, which motion prevails. The President appoints Senators Edwards of Caldwell, Hipps, and Barnes of Wayne as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee:**

S. B. 1 (Committee Substitute), a bill to provide safe roads by requiring mandatory jail terms for grossly aggravated drunken drivers, providing an effective deterrent to reduce the incidence of impaired driving, and clarifying the statutes related to drinking and driving, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for tomorrow, March 9.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 96, a bill to permit disabled veterans to park in handicapped spaces, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 96,** (Committee Substitute), a bill to permit veterans who are both disabled and handicapped to park in handicapped spaces at reduced cost, is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, March 10.

S. B. 100, a bill to prohibit expunction of a juvenile record if the juvenile was adjudicated for an act that would be a Class A, B, or C felony if committed by an adult, with an unfavorable report.

S. B. 101, a bill to make first and second degree sex offenses nondivertible offenses for juvenile complaints, with a favorable report.

On motion of Senator Staton, the bill is placed on the Calendar for Thursday, March 10.

H. B. 297, a bill to raise the size of estates that may be administered under the small estates provisions of Article 25 of Chapter 28A and under G. S. 7A-111 as recommended by the General Statutes Commission, with a favorable report.

H. B. 302, a bill to eliminate the requirement for a separate record of renunciation and to clarify language regarding partial renunciations as recommended by the General Statutes Commission, with a favorable report.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 145, a bill to adopt a comparative fault system, with a favorable report.

By Senators Marion for the **Local Government and Regional Affairs Committee:**

S. B. 132, a bill to provide for the election of the Chairman and Vice-Chairman of the Cumberland County Board of Education, with a favorable report.

S. B. 137, a bill to authorize the City of Hickory to convey a parcel of land at private sale to the Hickory Museum of Art, Inc., and to validate a conveyance by the Board of Education of the Hickory Administrative School Unit, with a favorable report.

S. B. 166, a bill to permit the Town of Beaufort to dispose of certain property, with a favorable report.

H. B. 78, a bill to allow the Mecklenburg County Board of Education to fill by appointment a vacancy created when a member is elected to another public office, local, State or federal, with a favorable report.

H. B. 244, a bill to reduce the size of the Richmond County Board of Commissioners from six to five and provide that the Commission shall elect its own chairman, with a favorable report.

H. B. 245, a bill to change the style of the governing board of the City of Lincolnton from the Board of Aldermen to the City Council, with a favorable report.

H. B. 254, a bill to change the effective date of an annexation of the Town of Morehead City, with a favorable report.

H. B. 283, a bill to authorize the City of Albemarle to convey at private sale a tract of land to Collins and Aikman Corporation on a basis other than the highest monetary bid, because such disposition is found to serve the best interest of the municipality, with a favorable report.

H. B. 309, a bill to increase the penalties for violating ordinances of the City of Charlotte, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Thomas of Henderson and Hipps:

S. B. 168, a bill to restrict the use of intangible tax revenue by Henderson County.
Referred to **Local Govenment and Regional Affairs Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 99, a bill bringing Forsyth County under general State law for pistol permit fees.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 213, a bill to amend Article 7 of Chapter 90 of the General Statutes relating to the Board of Osteopathic Examination and Registration and to permit higher registration fees.
Referred to **Finance Committee.**

H. B. 248 (Committee Substitute), a bill to amend the regulatory authority of the Real Estate Licensing Board and to change the name of the Board to the Real Estate Commission.
Referred to **State Government Committee.**

H. B. 256, a bill to amend Chapter 89D, concerning landscape contractors.
Referred to **Finance Committee.**

H. B. 275, a bill to repeal the requirement for a certificate of convenience and necessity from the Utilities Commission before a housing authority can exercise the power of eminent domain.
Referred to **Public Utilities and Energy Committee.**

H. J. R. 279, a joint resolution memorializing Congress in opposition to federal termination of low-income housing programs.
Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 113, a bill to provide that certain private roads serving as the only land access between two communities must be open.

Senator Ward offers Amendment No. 1 which fails of adoption (electronically recorded).

Senator Soles offers Amendment No. 2 which is adopted (electronically recorded).

Senator Soles moves that the vote by which Amendment No. 2 was adopted be reconsidered, which motion prevails.

After futher debate, Amendment No. 2, offered by Senator Soles, is adopted (electronically recorded).

The bill, as amended, passes it second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 212, a bill to establish a seven-member Board of Mortuary Science, to set three-year terms, and to limit service to two consecutive terms, upon third reading.

Senator Harris of Cleveland offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 54, an act to amend the authority to set fees for the Board of Medical Examiners. (Ch. 53)

On motion of Senator Lawing, seconded by Senator Tally, the Senate adjourns to meet tomorrow at 1:30 P.M.

FORTY-FIRST DAY

SENATE CHAMBER,
Wednesday, March 9, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we pray today for the gift of discernment. It seems so easy for us to say, 'find the truth and do it,' but truth is often elusive. We know the truth of Your word, but what is hard for us is being wise enough to apply that truth to what is happening in our world. We all want peace. But we cannot agree on what policies will bring it. We are all in favor of people having enough to eat, but disagree on what action we need to take to make that happen. Help us, O Lord, to discover Your truth for our time and place, and then give us the courage to stand for that truth in the face of oppression, to work for it until we help You to make it happen, and to rejoice in it when we see it fulfilled. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Woodard for tomorrow and Friday, March 10 and 11.

The President grants courtesies of the floor to the Pioneer Girl Scout Council from Gaston, Lincoln, Cleveland, and Rutherford Counties. (See Appendix.)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senators Duncan and Rauch for the **Finance Committee:**

S. B. 67, a bill to make the Charitable Solicitation Licensure Act inapplicable to certain foundations and trusts, with a favorable report.

S. B. 83 (Committee Substitute), a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as certified social workers: creating a State Board of Examiners for Social Workers: defining the functions and duties of that Board: and providing for penalties, with a favorable report.

S. B. 131, a bill concerning boll weevil eradication, with a favorable report.

H. B. 86, a bill to allow corporations to deduct the amount by which the basis of certain property is reduced by a federal tax credit, with a favorable report.

H. B. 136, a bill to clarify fees charged by the Private Protective Services Board, with a favorable report.

H. B. 190, a bill to allow various towns to increase the tax levy on motor vehicles to a maximum of five dollars, with a favorable report, as amended.

On motion of Senator Duncan, the bill is placed on the Calendar for Wednesday, March 16.

H. B. 217, a bill to allow the Town of Windsor to collect on motor vehicles a tax of not more than two dollars, with a favorable report, as amended.

H. B. 249, a bill to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes, with a favorable report.

By Senator Harris of Cleveland for the **Human Resources Committee:**

H. B. 211, a bill to amend the Nursing Home Administrator Act, with a favorable report, as amended.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. J. R. 108, a joint resolution urging the Congress of the United States to oppose the passage of a federal tuition tax credit bill, with a favorable report.

On motion of Senator Woodard, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. J. R. 136, a joint resolution expressing the concern of the members of the General Assembly at this time of substantial unemployment, and under-employment, and urging that all instrumentalities of government join in constructive action to alleviate the present distress, with a favorable report.

S. J. R. 149, a joint resolution directing the Office of State Budget and Management to prepare the State Budget to reflect the costs of the State's share of locally operated service programs, with a favorable report.

H. J. R. 98, a joint resolution memorializing the life and work of Raymond M. Wheeler, M.D., with a favorable report.

H. B. 165, a bill to define the term of the Legislative Research Commission and to allow the Legislative Research Commission to continue to act concerning the State's interest in railroad properties, with a favorable report.

By Senator Staton for the **State Government/Election Laws Committee:**

S. B. 84, a bill to provide that funds from the North Carolina Election Campaign Fund shall be distributed to political parties on a pro rata basis according to party voter registration, with a favorable report, as amended.

On motion of Senator Staton, the bill is placed on the Calendar for Monday, March 14.

S. B. 109, a bill to provide for the appointment of special library registration deputies to register voters in all public libraries, with a favorable report.

On motion of Senator Staton, the bill is placed on the Calendar for Monday, March 14.

S. B. 110, a bill to permit the State Board of Elections to adopt the findings of a county board of elections and order a new election without duplicating the public hearing held by the county board, with a favorable report.

On motion of Senator Staton, the bill is placed on the Calendar for Monday, March 14.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson:

S. B. 169, a bill to revise procedures of the Board of Podiatry Examiners.

Referred to **Finance Committee.**

By Senators Johnson, Staton, and Woodard:

S. B. 170, a bill to extend the sunset provision on an act to authorize the City of Raleigh to exercise certain land acquisition and disposal procedures.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Tally, Gray, Marvin, Plyler, Walker, and Ward:

S. B. 171, a bill to appropriate funds to the Department of Cultural Resources to help expand North Carolina's statewide revolving fund for historic preservation.

Referred to **Appropriations Committee.**

By Senators Barnes of Forsyth and Ward:

S. B. 172, a bill relating to the prima facie rule of evidence for enforcement of parking regulations in the City of Winston-Salem.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Walker and Woodard:

S. B. 173, a bill to provide that counties which maintain voter records on electronic data processing equipment provide discs or tapes to State parties on the same schedule as lists to county parties.

Referred to **State Government/Election Laws Committee.**

By Senator Redman:

S. J. R. 174, a joint resolution endorsing the policies of mutual assured survival and high frontier technology.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Harris of Mecklenburg:

S. B. 175, a bill permitting a member of the North Carolina Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System or the Law Enforcement Officers' Benefit and Retirement Fund to retire with full benefits after completing twenty-five years' service with system.
Referred to **Pensions and Retirement Committee.**

By Senators Marion, Ballenger, Barnes of Wayne, Duncan, Edwards of Caldwell, Lawing, Rauch, and Thomas of Craven:

S. B. 176, a bill to make statewide a law that currently applies only in Ashe, Bladen, Brunswick, Caswell, Columbus, Franklin, Granville, Johnston, Pender, Person, Sampson, Vance and Warren Counties and which requires that consent be obtained from the board of county commissioners before land in a county may be condemned or acquired by a unit of local government which is located wholly or primarily outside the county.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Woodard, Alford, Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Caldwell, Guy, Hardison, Harrington, Hipps, Hunt, Johnson, Kincaid, Martin, Marvin, Parnell, Rand, Redman, Royall, Soles, Speed, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, and Winner:

S. B. 177, a bill to require that drivers' licenses and special identification card be color-coded according to age.
Referred to **Ways and Means/Transportation Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 142 (Committee Substitute), a bill to define resumption of marital relations by separated spouses.
Referred to **Judiciary II Committee.**

H. B. 258, a bill to amend the practicing psychologists licensing article.
Referred to **Finance Committee.**

H. J. R. 280, a joint resolution memorializing Congress to pass legislation authorizing tax deductions for money saved for purchase of a home.
Referred to **Rules and Operation of the Senate Committee.**

RE-REFERRALS

S. B. 69, a bill to appropriate funds to the Division of Mental Health, Mental Retardation and Substance Abuse Services, Deparment of Human Resources, for the purpose of

promoting equalization of State appropriated matching funds to area authorities.

On motion of Senator Harris of Cleveland, the rules are suspended, and the bill is taken from the **Human Resources Committee** and re-referred to the **Appropriations Committee.**

H. B. 275, a bill to repeal the requirement for a certificate of convenience and necessity from the Utilities Commission before a housing authority can exercise the power of eminent domain.

Without objection, the Chair orders the bill taken from the **Public Utilities and Energy Committee** and re-referred to the **State Government/Housing Committee.**

H. J. R. 279, a joint resolution memorializing Congress in opposition to federal termination of low-income housing programs.

Without objection, the Chair directs that the joint resolution be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **State Government/ Housing Committee.**

H. J. R. 280, a joint resolution memorializing Congress to pass legislation authorizing tax deductions for money saved for purchase of a home.

Without objection, the Chair orders the joint resolution taken from the **Rules and Operation of the Senate Committee** and re-referred to the **State Government/Housing Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 132, a bill to provide for the election of the Chairman and Vice-Chairman of the Cumberland County Board of Education.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 137, a bill to authorize the City of Hickory to convey a parcel of land at private sale to the Hickory Museum of Art, Inc., and to validate a conveyance by the Board of Education of the Hickory Administrative School Unit.

The bill passes its second and third readings and is sent to the House of Representatives.

S. B. 166, a bill to permit the Town of Beaufort to dispose of certain property.

The bill passes its second and third readings and is oredered sent to the House of Representatives.

H. B. 78, a bill to allow the Mecklenburg County Board of Education to fill by appointment a vacancy created when a member is elected to another public office, local, State or federal.

The bill passes its second and third readings and is ordered enrolled.

H. B. 244, a bill to reduce the size of the Richmond County Board of Commissioners from six to five and provide that the Commission shall elect its own chairman.

The bill passes its second and third readings and is ordered enrolled.

H. B. 245, a bill to change the style of the governing board of the City of Lincolnton from the Board of Alderman to the City Council.

The bill passes its second and third readings and is ordered enrolled.

H. B. 254, a bill to change the effective date of an annexation of the Town of Morehead City.

The bill passes its second and third readings and is ordered enrolled.

H. B. 283, a bill to authorize the City of Albemarle to convey at private sale a tract of land to Collins and Aikman Corporation on a basis other than the highest monetary bid, because such disposition is found to serve the best interest of the municipality.

The bill passes its second and third readings and is ordered enrolled.

H. B. 309, a bill to increase the penalties for violating ordinances of the City of Charlotte.

On motion of Senator Marion, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S. B. 1 (Committee Substitute No.2), a bill to provide safe roads by requiring mandatory jail terms for grossly aggravated drunken drivers, providing an effective deterrent to reduce the incidence of impaired driving, and clarifying the statutes related to drinking and driving.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

Senator Warren offers Amendment No. 2 which is adopted (electronically recorded).

Senator Winner offers Amendment No. 3 which is temporarily displaced.

Senator Barnes of Wayne rises to a point of parliamentary inquiry as to a motion to reconsider the vote by which Amendment No. 2 was adopted. The Chair rules such motion in order.

Senator Plyler offers a motion that the vote by which Amendment No. 2 was adopted be reconsidered.

Senator Marion offers a substitute motion that a fiscal note be requested. The President orders the Chairmen and Co-Chairmen of the **Appropriations, Finance,** and **Ways and Means Committees** direct a fiscal note be prepared.

Senator Johnson offers a substitute motion that the bill, as amended, be withdrawn from today's Calendar and placed on the Calendar for Tuesday, March 15.

Senator Hardison, seconded by Senator Johnson, offers a motion that the Senate do now adjourn, which motion prevails (electronically recorded).

The Chair declares the Senate stands adjourned to reconvene tomorrow at 1:45 P.M.

FORTY-SECOND DAY

SENATE CHAMBER,
Thursday, March 10, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend James Brown, Pastor of Davie Street United Presbyterian Church, Raleigh, as follows:

"Eternal and everliving God, the God of all space, time, and eternity, You have plans for us, and power to make them happen. Give the members of this Senate assembled a knowledge of Your will for the world. Let them remember that they serve a public trust, beyond personal gain or glory. May they see that no state lives for itself alone, but is responsible to You for peace and for the well-being of all your children that peace and happiness, truth and justice, virtue and piety may be established among us. These and all other necessaries for them, for us, and for this State, we humbly beg in the Name of Jesus Christ, our Master and Lord of life. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Hipps for today and tomorrow, March 10 and 11, due to the death of his mother-in-law, and to Senators Harrington, Harris of Cleveland, and Ward for tomorrow, March 11.

A leave of absence granted previously to Senator Woodard is noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 117, a bill to increase the membership of the State Banking Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Edwards of Caldwell, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Edwards of Caldwell, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, March 14.

By Senator Soles for the **Judiciary II Committee:**

S. B. 89, a bill to amend Chapter 50 of the General Statutes to establish procedures to insure payment of child support, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, March 15.

S. B. 90, a bill to amend Chapter 15A of the General Statutes to establish procedures to insure payment of child support, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his futher motion is placed on the Calendar for Tuesday, March 15.

H. B. 67, a bill to rewrite and simplify G. S. 14-269 regarding carrying concealed weapons, with a favorable report, as amended.

H. B. 192, a bill to clarify the aggravating factor regarding pecuniary gain under the Fair Sentencing Act, with a favorable report.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 150, a bill to provide simplified procedures for disposal by cities, counties, and sanitary districts of personal property with minimal value, with a favorable report, as amended.

On motion of Senator Barnes of Wayne, the bill is placed on the Calendar for Tuesday, March 15.

H. B. 119, a bill to amend G. S. 20-16.1 relating to mandatory suspension of driver's license, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Redman, Allred, Ballenger, Barnes of Wayne, Davis, Harris of Cleveland, Hipps, Hunt, Jenkins, Thomas of Craven, Warren, and White:

S. J. R. 178, a joint resolution memorializing Congress to repeal or modify the assessments on milk authorized by the Omnibus Budget Reconciliation Act of 1982.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Thomas of Craven, Allred, Childers, Daniels, Davis, Guy, Harris of Cleveland, Jenkins, Johnson, Marion, Rand, Royall, Staton, Tally, and Woodard:

S. B. 179, a bill to appropriate funds to increase the level of the grants-in-aid to the private child-caring institutions.

Referred to **Appropriations Committee.**

By Senator Harris of Mecklenburg:

S. B. 180, a bill to allow certain beneficiaries of an interest in a closely held business and farms to pay the inheritance tax on the transfer of the interest in installments.

Referred to **Finance Committee.**

By Senators Winner, Barnes of Wayne, Martin, and Rand:

S. B. 181, a bill to exempt judges and justices of the General Court of Justice from the State Bar membership fees requirement.

Referred to **Judiciary II Committee.**

By Senator Royall:

S. B. 182, a bill to amend the North Carolina Parking Facilities Revenue Bond Act.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Ward and Barnes of Forsyth:

S. B. 183, a bill to allow Forsyth County to delegate the authority to make certain releases and refunds of property tax.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Staton:

S. B. 184, a bill to allow inclusion of certain juvenile records in pre-sentence reports.

Referred to **Judiciary I Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 31, a bill to repeal Section 2 of Chapter 1399 of the 1981 Session Laws.

Referred to **Higher Education Committee.**

H. B. 123 (Committee Substitute), a bill to amend G. S. 20-309(e) relative to a lapse in insurance coverage on motor vehicles.

Referred to **Insurance Committee.**

H. B. 314, a bill to permit Pasquotank and Chowan Counties to sell impounded dogs and cats to licensed animal dealers.

Referred to **Natural and Economic Resources and Wildlife Committee.**

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from March 9, are taken up and disposed of as follows:

S. B. 1 (Committee Substitute No. 2), a bill to provide safe roads by requiring mandatory jail terms for grossly aggravated drunken drivers, providing an effective deterrent to reduce the incidence of impaired driving, and clarifying the statutes related to drinking and driving, as amended, with pending Amendment No. 3.

Pending Amendment No. 3, offered by Senator Winner, is withdrawn.

Senator Plyler offers a motion that the vote by which Amendment No. 2 was adopted be reconsidered which motion prevails (electronically recorded).

Senator Warren withdraws Amendment No. 2.

Senator Barnes of Wayne calls the previous question, seconded by Senator Royall. The call is sustained (electronically recorded). The Committee Substitute bill No. 2, as amended, passes its second reading (electronically recorded).

On motion of Senator Barnes of Wayne, consideration of the Committee Substitute bill No. 2, as amended, upon third reading, is postponed until Tuesday, March 15.

S. B. 145, a bill to adopt a comparative fault system.

Senator Hardison offers a motion to take the bill from the Calendar for today and re-refer it to the **Appropriations Committee** for a fiscal analysis.

Senator Barnes of Wayne, seconded by Senator Winner, moves that the Senate do now adjourn, which motion fails to prevail (electronically recorded).

Senator Hardison withdraws his motion to re-refer the bill to the **Appropriations Committee.**

Senator Barnes of Wayne offers Amendment No. 1, which he subsequently withdraws.

Pursuant to Rule 42.1, the Chair directs that the bill be removed from the Calendar for today and placed on the Calendar for Thursday, March 17, with a fiscal analysis.

H. B. 297, a bill to raise the size of estates that may be administered under the small estates provisions of Article 25 of Chapter 28A and under G. S. 7A-111 as recommended by the General Statutes Commission.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 302, a bill to eliminate the requirement for a separate record of renunciation and to clarify language regarding partial renunciations as recommended by the General Statutes Commission.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

S. B. 67, a bill to make the Charitable Solicitation Licensure Act inapplicable to certain foundations and trusts.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 83 (Committee Substitute), a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as certified social workers: creating a State Board of Examiners for Social Workers: defining the functions and duties of that Board: and providing for penalties.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 96 (Committee Substitute), a bill to permit veterans who are both disabled and handicapped to park in handicapped spaces at reduced cost.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 101, a bill to make first and second degree sex offenses nondivertible offenses for juvenile complaints.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 131, a bill concerning boll weevil eradication.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. J. R. 136, a joint resolution expressing the concern of the members of the General Assembly at this time of substantial unemployment, and under-employment, and urging that all instrumentalities of government join in constructive action to alleviate the present distress.

The joint resolution passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. J. R. 149, a joint resolution directing the Office of State Budget and Management to prepare the State Budget to reflect the costs of the State's share of locally operated

service programs.

The joint resolution passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 86, a bill to allow corporations to deduct the amount by which the basis of certain property is reduced by a federal tax credit.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. J. R. 98, a joint resolution memorializing the life and work of Raymond M. Wheeler, M.D.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 136, a bill to clarify fees charged by the Private Protective Services Board, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, White, Winner, and Wright—43.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 165, a bill to define the term of the Legislative Research Commission and to allow the Legislative Research Commission to continue to act concerning the State's interest in railroad properties.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 211, a bill to amend the Nursing Home Administrator Act.

On motion of Senator Harris of Cleveland, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 217, a bill to allow the Town of Windsor to collect on motor vehicles a tax of not more than two dollars, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, White, Winner, and Wright—42.

Voting in the negative: Senator Redman—1.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 249, a bill to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes.

The bill passes it second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 29, an act permitting a court to order child support payments to continue for as long as the child is in high school. (Ch. 54)

S. B. 148, an act to allow a sanitary district to engage in litigation or join with others in litigation opposing the withdrawal of water from a river or other water supply. (Ch. 55)

H. B. 78, an act to allow the Mecklenburg County Board of Education to fill by appointment a vacancy created when a member is elected to another public office, local, State or federal. (Ch. 56)

H. B. 244, an act to reduce the size of the Richmond County Board of Commissioners from six to five and provide that the Commission shall elect its own chairman. (Ch. 57)

H. B. 245, an act to change the style of the governing board of the City of Lincolnton from the Board of Aldermen to the City Council. (Ch. 58)

H. B. 254, an act to change the effective date of an annexation of the Town of Morehead City. (Ch. 59)

H. B. 283, an act to authorize the City of Albemarle to convey at private sale a tract of land to Collins and Aikman Corporation on a basis other than the highest monetary bid, because such disposition is found to serve the best interest of the municipality. (Ch. 60)

On motion of Senator Hardison, seconded by Senator Ward, the Senate adjourns to meet tomorrow at 11:00 A.M.

FORTY-THIRD DAY

SENATE CHAMBER,
Friday, March 11, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, as we gather today, we pray for all the people in this room. Especially, we ask Your blessing on the men and women of this Senate. We do not ask that You bless them as Senators, but as persons. It is easy for the rest of us to see them only as public servants, and to forget that each of them is an individual with personal needs, hurts, hopes, and dreams. Sometimes they make us angry, but mostly they make us proud

and thankful that we are privileged to elect our leaders. Watch over and protect and bless them, O Lord, and help the rest of us to support and pray for them — not only as elected leaders, but as human beings. Amen."

Senator Hardison for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Thomas of Henderson, Harris of Mecklenburg, Soles, Winner, and Marion for today and to Senators Royall and Lawing, who are attending a National Conference of State Legislators in Washington, D. C., for today.

Leaves of absence granted previously to Senators Woodard, Hipps, Harris of Cleveland, Harrington, and Ward are noted.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Daniels:

S. B. 185, a bill to amend G. S. 20-118 pertaining to weight of vehicles and loads.
Referred to **Ways and Means/Transportation Committee.**

By Senator Hardison:

S. B. 186, a bill to amend the fees charged by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.
Referred to **Finance Committee.**

By Senator Hardison:

S. B. 187, a bill to authorize a self-liquidating project at North Carolina Memorial Hospital for critical care center facilities.
Referred to **Appropriations Committee.**

By Senators Thomas of Henderson, Daniels, Duncan, Gray, Hancock, Hipps, Jenkins, Marion, Marvin, Rand, Royall, Swain, Thomas of Craven, Tison, Walker, Ward, Warren, and Winner:

S. B. 188, a bill to provide that counties and cities may not authorize the construction of buildings or structures of more than three stories or thirty-five feet high on mountain ridges at altitudes of more than twenty-seven hundred and fifty feet and providing for certain exceptions.
Referred to **Judiciary I Committee.**

By Senators Davis, Childers, Daniels, Martin, Tally, Ward, and Wright:

S. B. 189, a bill to make a technical correction in G. S. 161-22.
Referred to **Judiciary III Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 82 (Committee Substitute), a bill to exempt certain volunteer and municipal fire departments from the Occupational Safety and Health Act of North Carolina.
Referred to **Judiciary III Committee.**

H. B. 199, a bill to permit the odometer disclosure to be made on the certificate of title.
Referred to **Ways and Means/Transportation Committee.**

H. B. 264, a bill to require forfeiture of conveyances used in the commission of a robbery.
Referred to **Judiciary I Committee.**

H. B. 274, a bill to authorize the North Carolina Housing Finance Agency to make loans to mortgage lenders.
Referred to **State Government/Housing Committee.**

H. B. 304, a bill to require consent of the Union County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 316, a bill to allow the Town of Hillsborough to be divided into more than one precinct and to validate elections and actions of that Town.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 335, a bill to establish minimum in-service training standards.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 337, a bill to expand the membership of the Industrial-Agricultural Development Commission of Lenoir County.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 344, a bill to change the filing deadline for election to the Rutherford County Board of Education.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 349, a bill to change the definition of subdivision for subdivision regulation in Scotland County.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 350, a bill to provide for the election of members of the Rowan County Board of Education in the general election.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 357, a bill to authorize the Board of Commissioners of New Hanover County to close roads or easements that have been offered for dedication but never accepted by a public body.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 67, a bill to rewrite and simplify G. S. 14-269 regarding carrying concealed weapons.

On motion of Senator Tison, Committee Amendment No. 1 is adopted, and on his further motion the bill, as amended, is placed on the Calendar for Monday, March 14.

H. B. 119, a bill to amend G. S. 20-16.1 relating to mandatory suspension of driver's license.

On motion of Senator Tison, Committee Amendment No. 1 is adopted.

On motion of Senator Allsbrook, consideration of the bill, as amended, is postponed until Monday, March 14.

H. B. 136, a bill to clarify fees charged by the Private Protective Services Board, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Hunt, Jenkins, Jordan, Kincaid, Martin, Marvin, Plyler, Rand, Redman, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Warren, White, and Wright—35.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 192, a bill to clarify the aggravating factor regarding pecuniary gain under the Fair Sentencing Act.

On motion of Senator Tison, consideration of the bill is postponed until Monday, March 14.

H. B. 217, a bill to allow the Town of Windsor to collect on motor vehicles a tax of not more than two dollars, as amended, upon third reading.

The bill, as amended, passes it third reading by roll-call vote, ayes 34, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Hunt, Jenkins, Jordan, Kincaid, Martin, Marvin, Plyler, Rand, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Warren, White, and Wright—34.

Voting in the negative: Senator Redman—1.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 64, a joint resolution encouraging health insurance carriers to offer and promote coverage for mental health and related services. (Res. 5)

H. B. 86, an act to allow corporations to deduct the amount by which the basis of certain

property is reduced by a federal tax credit. (Ch. 61)

H. J. R. 98, a joint resolution memorializing the life and work of Raymond M. Wheeler, M.D. (Res. 4)

H. B. 101 (Committee Substitute), an act to raise age limits for day-care staff. (Ch. 62)

H. B. 165, an act to define the term of the Legislative Research Commission and to allow the Legislative Research Commission to continue to act concerning the State's interest in railroad properties. (Ch. 63)

H. B. 249, an act to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes. (Ch. 64)

H. B. 297, an act to raise the size of estates that may be administered under the small estates provisions of Article 25 of Chapter 28A and under G. S. 7A-111 as recommended by the General Statutes Commission. (Ch. 65)

H. B. 302, an act to eliminate the requirement for a separate record of renunciation and to clarify language regarding partial renunciations as recommended by the General Statutes Commission. (Ch. 66)

On motion of Senator Hardison, seconded by Senator Warren, the Senate adjourns to meet Monday at 8:00 P.M.

FORTY-FOURTH DAY

SENATE CHAMBER,
Monday, March 14, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Ballenger, Thomas of Henderson, and Rauch for tonight and to Senator Allsbrook for tonight and tomorrow, March 15, due to medical reasons.

The President recognizes the following pages serving in the Senate this week: Joy Alford, Whitakers; Beth Bulla, Fayetteville; Arnella Carpenter, Raleigh; Monica Cody, Marshall; Brian Foley, Charlotte; Jeff Garner, Morehead City; Amy Griffis, Fayetteville; Lucy Henry, Lumberton; Karen Hester, Clarkton; George Howard, Fayetteville; Kenneth Inman, Wilmington; Stephanie Johnston, Littleton; Arnie Jones, Goldsboro; Hunter Lambeth, Winston-Salem; Cynthia Lewis, Elizabethtown; Deana Lovelace, Kings Mountain; Easter Maynard, Raleigh; Michelle McGowan, Fayetteville; Michelle McMillan, Fayetteville; Lee Morgan, Raleigh; and Kelly Wigington, Mayodan.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 109
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
March 11, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H. B. 109,** A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE WILDLIFE PRESERVE AND BIRD SANCTUARY IN ARROWHEAD BEACH SUBDIVISION, CHOWAN COUNTY, and requests conferees. The Speaker has appointed Representatives Lambeth, Evans, and James on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Thomas of Craven moves that the President appoint conferees, which motion prevails. The President appoints Senators Thomas of Craven, Daniels, and Redman as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Edwards of Caldwell:

S. B. 190, a bill to change the Mitchell County Tax Collector from an elective to an appointive position.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Jenkins, Thomas of Henderson, and Tison:

S. B. 191, a bill to allow the Cabarrus Memorial Hospital in Cabarrus County and the Margaret R. Pardee Memorial Hospital in Henderson County to obtain semiannual refunds of sales and use taxes instead of annual refunds.
Referred to **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 200, a bill to redefine the required exhaust systems on motor vehicles.
Referred to **Ways and Means/Transportation Committee.**

H. B. 239, a bill to extend the expiration for the payment of just compensation by local authorities requiring the removal of billboards which are permitted under the provisions

of Article 11 of Chapter 136 of the General Statutes.

Referred to **Ways and Means/Transportation Committee.**

H. B. 288, a bill to authorize cities and counties to provide alternatives for the transportation of involuntarily committed respondents.

Referred to **Human Resources Committee.**

H. B. 317, a bill to annex certain property to the Town of Ayden.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 358, a bill to authorize the Board of County Commissioners of New Hanover County and Avery County to name all roads public and private and assign street numbers in unincorporated areas.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 359, a bill to allow New Hanover County and Avery County to name and assign street numbers to private roads in unincorporated areas.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 84, a bill to provide that funds from the North Carolina Election Campaign Fund shall be distributed to political parties on a pro rata basis according to party voter registration.

On motion of Senator Walker, Committee Amendment No. 1 is adopted.

Senator Jenkins offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) reading.

On objection of Senator Wright to its third reading the bill, as amended, remains on the Calendar for further consideration.

S. B. 109, a bill to provide for the appointment of special library registration deputies to register voters in all public libraries.

Senator Royall offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) reading.

On objection of Senator Harris of Cleveland to its third reading the bill, as amended, remains on the Calendar for further consideration.

S. B. 110, a bill to permit the State Board of Elections to adopt the findings of a county board of elections and order a new election without duplicating the public hearing held by the county board.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 117 (Committee Substitute), a bill to increase the membership of the State Banking Commission.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 67, a bill to rewrite and simplify G. S. 14-269 regarding carrying concealed weapons, as amended.

Senator Harris of Cleveland offers Amendment No. 2 which is adopted (electronically

recorded). Senator Harris of Cleveland moves that the vote by which Amendment No. 2 was adopted be reconsidered, which motion prevails. Senator Harris of Cleveland withdraws Amendment No. 2.

The bill, as amended, passes its second (electronically recorded) reading.

On objection of Senator Allred to its third reading the bill, as amended, remains on the Calendar for further consideration.

H. B. 119, a bill to amend G. S. 20-16.1 relating to mandatory suspension of driver's license, as amended.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 192, a bill to clarify the aggravating factor regarding pecuniary gain under the Fair Sentencing Act.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 57, an act to repeal the sunset provision in the 1981 Act changing the rate of interest in the Consumer Finance Act. (Ch. 68)

H. B. 136, an act to clarify fees charged by the Private Protective Services Board. (Ch. 67)

H. B. 212, an act to establish a seven-member Board of Mortuary Science, to set three-year terms, and to limit service to two consecutive terms. (Ch. 69)

On motion of Senator Lawing, seconded by Senator Marvin, the Senate adjourns to meet tomorrow at 1:30 P.M.

FORTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, March 15, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend William H. Puckett, Pastor of Millbrook Baptist Church, Raleigh, as follows:

"God, we acknowledge You as the God of all — all peoples and all seasons. We pause with gratitude to acknowledge Your love and mercy and to seek Your leadership for the living of our lives.

"We thank You for the men and women who serve in this Body — who give themselves

to improve and enrich the life of the whole. Bless them with Your wisdom and strength. Grant them courage for the difficult decisions that are theirs to make and comfort when those decisions seem lonely.

"Impress upon all our citizens the corporateness of democracy that those who represent many may have the participation and support of the many in our common tasks and for our common goals and for the good of all.

"We thank You that You abide with us. Amen"

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Allsbrook, for medical reasons, is noted.

RE-REFERRAL

S. B. 182, a bill to amend the North Carolina Parking Facilities Revenue Bond Act.

On motion of Senator Lawing, the rules are suspended, and the bill is taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Finance Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Higher Education Committee:**

H. B. 31, a bill to repeal Section 2 of Chapter 1399 of the 1981 Session Laws, with a favorable report.

By Senator Swain for Senator Allsbrook for the **Judiciary I Committee:**

S. B. 162, a bill to provide for community service as a condition of probation for littering, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, March 17.

H. B. 264, a bill to require forfeiture of conveyances used in the commission of a robbery, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 18 (Committee Substitute), a bill to increase the maximum amount of the bond required of distributors of motor fuel and suppliers of special fuel, to require persons who

are both distributors and suppliers to file a bond sufficient to cover both liabilities; and to impose personal liability upon responsible corporate officers.

Referred to **Finance Committee.**

H. B. 176, a bill to permit the Town of Lillington to impose a tax on automobiles of five dollars.

Referred to **Finance Committee.**

H. B. 210, a bill to authorize the Commissioner of Motor Vehicles to collect a fee to cover the costs of approving equipment for use on motor vehicles.

Referred to **Finance Committee.**

H. B. 247 (Committee Substitute), a bill to allow certain townships to vote on alcoholic beverages sales and to allow off-premises unfortified wine sales in townships that have voted to permit the sale of mixed beverages.

Referred to **State Government Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 1 (Committee Substitute No. 2), a bill to provide safe roads by requiring mandatory jail terms for grossly aggravated drunken drivers, providing an effective deterrent to reduce the incidence of impaired driving, and clarifying the statutes related to drinking and driving, as amended, upon third reading.

Senator Barnes of Wayne offers Amendment No. 4 which is adopted (electronically recorded).

Senator Marion offers Amendment No. 5. Senator Marion calls the previous question, duly seconded. Amendment No. 5, offered by Senator Marion, is adopted (electronically recorded).

Senator Harris of Cleveland offers Amendment No. 6 which fails of adoption (electronically recorded).

Senator Swain offers Amendment No. 7 which fails of adoption (electronically recorded).

Senator Davis offers Amendment No. 8. Senator Hardison, seconded by Senator Royall, offers a motion that Amendment No. 8 do lie upon the table, which motion prevails (electronically recorded), and Amendment No. 8 lies upon the table.

Senator Allred offers Amendment No. 9 which fails of adoption (electronically recorded).

Senator Winner offers Amendment No. 10 which fails of adoption (electronically recorded).

Senator Rand offers Amendment No. 11 which is adopted (electronically recorded).

Senator Martin offers Amendment No. 12 which fails of adoption (electronically recorded).

Senator Edwards of Caldwell offers Amendment No. 13 which fails of adoption (electronically recorded).

Senator Barnes of Wayne calls the previous question, seconded by Senator Martin. The call is sustained.

The Committee Substitute bill No. 2, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 192, an act to clarify the aggravating factor regarding pecuniary gain under the Fair Sentencing Act. (Ch. 70)

H. B. 309, an act to increase the penalties for violating ordinances of the City of Charlotte. (Ch. 71)

On motion of Senator Lawing, seconded by Senator Gray, the Senate adjourns to meet tomorrow at 2:00 P.M.

FORTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, March 16, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Dr. John C. Lewis, Pastor of First Baptist Church, Raleigh.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Parnell and Soles for today.

The President grants courtesies of the floor to John F. Shuford, former Senator from Buncombe County.

RECOMMITTANCE

S. B. 145, a bill to adopt a comparative fault system.
On motion of Senator Barnes of Wayne the bill is taken from the Calendar for Thursday, March 17, and recommitted to the **Judiciary III Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee:**

S. B. 153, a bill to amend the North Carolina Fertilizer Law, with a favorable report.

By Senators Rauch and Duncan for the **Finance Committee:**

S. B. 55, a bill to set fee limits for the Board of Nursing Home Administrators, with a favorable report.

S. B. 191, a bill to allow the Cabarrus Memorial Hospital in Cabarrus County and the Margaret R. Pardee Memorial Hospital in Henderson County to obtain semiannual refunds of sales and use taxes instead of annual refunds, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee.**

H. B. 15, a bill to allow Haywood County Hospital to obtain semiannual refunds of sales and use taxes instead of annual refunds, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Rauch, the bill, as amended, is re-referred to the **Ways and Means Committee.**

H. B. 114, a bill to allow the Margaret R. Pardee Memorial Hospital in Henderson County and Granville Hospital in Granville County to obtain seminannual refunds of sales and use taxes instead of annual refunds, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee.**

H. B. 147, a bill to allow all hospitals owned and operated by a county to receive semiannual sales tax refunds, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee.**

H. B. 258, a bill to amend the practicing psychologists licensing article, with a favorable report.

By Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 5, a bill to require a court appearance at the time an adoption is made final, with a favorable report, as amended.

By Senator Hancock for the **State Government Committee:**

S. J. R. 111, a joint resolution urging the United States Govenment to seek a bilateral, verifiable freeze and reduction in nuclear weapons, with a favorable report.

H. B. 248 (Committee Substitute), a bill to amend the regulatory authority of the Real Estate Licensing Board and to change the name of the Board to the Real Estate Commission, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hipps:

S. B. 192, a bill to permit the City of Hendersonville to authorize its Zoning Board of Adjustment to make decisions pursuant to a seven member majority vote.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Edwards of Guilford, Gray, and Martin:

S. B. 193, a bill to appropriate funds for the reconstruction of the dependencies at Blandwood in Greensboro, North Carolina.

Referred to **Appropriations Committee.**

By Senator Jordan:

S. B. 194, a bill to rewrite certain of the forest laws of North Carolina.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senators Marvin, Harris of Cleveland, and Rauch:

S. B. 195, a bill to appropriate funds for the Schiele Museum of Natural History and Planetarium, Inc., in Gastonia.
Referred to **Appropriations Committee.**

By Senator Walker:

S. B. 196, a bill to approve the Southeast Interstate Low-Level Radioactive Waste Management Compact.
Referred to **Human Resources Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 59 (Committee Substitute), a bill to clarify the applicability of the group health insurance continuation and conversion law and to clarify provisions regarding issuance of conversion policies.
Referred to **Insurance Committee.**

H. B. 167 (Committee Substitute), a bill to amend Chapter 20 to authorize the Department of Transportation to raise and lower the statutory speed limits on the State highway system within municipalities having a nonfunctioning government.
Referred to **Ways and Means/Transportation Committee.**

H. B. 253, a bill to provide that when the filing deadline for candidacy to two or more public offices is the same, a person may not file as a candidate for more than one office.
Referred to **State Government/Election Laws Committee.**

S. B. 56, a bill to authorize property owner participation in the costs of road maintenance, improvements, additions and acquisition of right-of-way, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, March 17.

S. J. R. 108, a joint resolution urging the Congress of the United States to oppose the passage of a federal tuition tax credit bill, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, March 17.

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from March 15, are taken up and disposed of as follows:

S. B. 84, a bill to provide that funds from the North Carolina Election Campaign Fund shall be distributed to political parties on a pro rata basis according to party voter registration, as amended, upon third reading.

Senator Redman offers Amendment No. 3. Senator Woodard, seconded by Senator Johnson, offers a motion that Amendment No. 3 do lie upon the table, which motion

prevails (electronically recorded). Amendment No. 3 lies upon the table.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 89 (Committee Substitute), a bill to amend Chapter 50 of the General Statutes to establish procedures to insure payment of child support.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

Senator Jenkins offers Amendment No. 2 which is adopted (electronically recorded).

Senator Staton offers Amendment No. 3 which he subsequently withdraws.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Senator Marvin objects to the third reading of the Committee Substitute bill, as amended. On motion of Senator Lawing, the Committee Substitute bill, as amended, is placed on the Calendar for Friday, March 18, for further consideration.

S. B. 90 (Committee Substitute), a bill to amend Chapter 15A of the General Statutes to establish procedures to insure payment of child support.

Without objection, the Chair places the Committee Substitute bill on the Calendar for Friday, March 18.

S. B. 109, a bill to provide for the appointment of special library registration deputies to register voters in all public libraries, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 150, a bill to provide simplified procedures for disposal by cities, counties, and sanitary districts of personal property with minimal value.

On motion of Senator Woodard, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 67, a bill to rewrite and simplify G. S. 14-269 regarding carrying concealed weapons, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

H. B. 31, a bill to repeal Section 2 of Chapter 1399 of the 1981 Session Laws.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 190, a bill to allow various towns to increase the tax levy on motor vehicles to a maximum of five dollars, upon second reading.

On motion of Senator Daniels, consideration of the bill is postponed until Friday, March 18.

H. B. 264, a bill to require forfeiture of conveyances used in the commission of a robbery.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 211, an act to amend the Nursing Home Administrator Act. (Ch. 72)

On motion of Senator Lawing, seconded by Senator Jordan, the Senate adjourns to meet tomorrow at 1:30 P.M.

FORTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, March 17, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, by whom the whole family of earth and heaven is named, we give You thanks for brothers and sisters whose differences from us add flavor and diversity to life. We confess that sometimes we are not as understanding or tolerant as we should be of each other. We expect others to understand us, but are not willing to extend that same courtesy to them. Forgive us our sins of pride that elevate one nation, religion, color, or way of life at the expense of others. Help us to find the good in all that You have created, and to rejoice in the richness of Your creative energy. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Johnson for today and to Senator Lawing for today, tomorrow, and Monday, March 17, 18, and 21.

The President extends courtesies of the floor to James B. Garrison, former Senator from Stanly County, and to the Honorable James M. Clarke, member of the United States House of Representatives, representing the 11th Congressional District and former Senator from Buncombe County.

REMARKS BY THE LIEUTENANT GOVERNOR

On motion of Senator Alford, seconded by Senator Hardison, the remarks of Lieutenant Governor, James C. Green, addressing the news media are spread upon the Journal as follows:

"Gentlemen:

"I call your attention to Article 8 of the General Rules of the Senate. More particularly, I call your attention to Rule 69, which is as follows, and I invite representatives of the news media to pay close attention:

'Rule 69. News Media. — The President is authorized to assign area and equipment on the floor of the Senate for the use of the representatives of the news media; and the President shall provide regulations for the operation of the representatives of the news media on the floor of the Senate.'

"I have heretofore promulgated some rules pertaining to the privileges granted to representatives of the news media.

"The Senate of North Carolina is a deliberative Body. As such, the Members of the Senate are entitled to have their deliberations conducted in an atmosphere of dignity and decorum. Such an atmosphere requires decency, good manners, courtesy, appropriate attire, and absolute restraint from abusing the high privilege of being admitted to the floor of this Senate.

"Abuses of this privilege by one or more representatives of the news media have occurred a number of times during this Session and, within the past few days, have reached a crescendo which cannot and will not be tolerated. It is my duty as the presiding officer of this Senate to require proper decorum, and this duty will be performed.

"If there is any representative of the news media here who is unwilling to respect the dignity of the Members of this Senate, sent here to consider laws affecting the lives, liberty and property of citizens of this State, or who in any way abuses the privilege of being admitted to the floor of this Senate — let him now take notice and be warned that he may lose the privilege he now enjoys and that by his misconduct he places in jeopardy the privilege enjoyed by his fellow representatives of the news media of being allowed on the floor of the Senate.

"I recommend to each representative of the news media here present that he or she obtain a copy of the regulations for the operation of representatives of the news media on the floor of the Senate promulgated for the 1981 Session and be governed accordingly."

RE-REFERRAL

H. B. 142 (Committee Substitute), a bill to define resumption of marital relations by separated spouses.

On motion of Senator Soles, the rules are suspended, and the Committee Substitute bill is taken from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee:**

S. B. 77, a bill providing for alternative means of dispute resolution, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, March 21.

H. B. 141, a bill to include educational, professional and career plans as a consideration in alimony awards, with a favorable report, as amended.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 189, a bill to make a technical correction in G. S. 161-22, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Staton:

S. B. 197, a bill to amend Chapter 97 of the General Statutes to provide uniformity in the application of the Workers' Compensation Act for occupational injury to and/or diseases of the lungs.
Referred to **Manufacturing, Labor and Commerce Committee.**

By Senator Staton:

S. B. 198, a bill to amend Chapter 97 of the General Statutes pertaining to salaries of commissioners.
Referred to **Manufacturing, Labor and Commerce Committee.**

By Senator Staton:

S. B. 199, a bill to amend Chapter 97 of the General Statues pertaining to the Commission's right to review awards.
Referred to **Manufacturing, Labor and Commerce Committee.**

By Senator Staton:

S. B. 200, a bill pertaining to salaries of deputy commissioners of the Industrial Commission.
Referred to **Manufacturing, Labor and Commerce Committee.**

By Senators Plyler and Jordan:

S. B. 201, a bill to amend the restrictions on force account work as applied to the City of Monroe.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Rauch and Duncan:

S. B. 202, a bill to revise the license fees for hunting, trapping, fishing and dealing in furs.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Daniels:

S. B. 203, a bill to limit the dimensions of motor vehicles using the interstate and federally assisted highway system in North Carolina.
Referred to **Ways and Means Committee.**

By Senators Hipps and Thomas of Henderson:

S. B. 204, a bill to permit persons to engage in business as a pawnbroker in unincorporated areas of Jackson County.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Staton:

S. B. 205, a bill to appropriate funds to assist in the restoration of the Temple Theater in Sanford.

Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 42 (Committee Substitute), a bill shortening the period for revocation of the natural parent's consent to an adoption, for concurrence in the House Amendment, which is placed on the Calendar for tomorrow, March 18.

S. B. 144 (Committee Substitute), a bill to promote fair commercial practices in the wholesale wine industry, for concurrence in House Amendments No. 1, 2, 5, 6, 9, 10, and 11.

Senator Swain offers a motion to suspend the rules and place the Committee Substitute bill on today's Calendar for concurrence in House Amendments No. 1, 2, 5, 6, 9, 10, and 11, which motion fails to prevail, and the Committee Substitute bill is placed on the Calendar for tomorrow, March 18.

H. B. 155, a bill to prohibit the taking of bear over bait.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 166, a bill to permit rate deviations in workers' compensation and employers' liability insurance.

Referred to **Manufacturing, Labor and Commerce Committee.**

H. B. 364, a bill to regulate the importation, transportation and possession of dangerous animals.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 365, a bill to permit the City of New Bern to engage in certain community development activities.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 374, a bill to increase the penalty for violating the Public Health Law.

Referred to **Human Resources Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 5, a bill to require a court appearance at the time an adoption is made final.

On motion of Senator Harris of Cleveland, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 55, a bill to set fee limits for the Board of Nursing Home Administrators.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. J. R. 111, a joint resolution urging the United States Government to seek a bilateral, verifiable freeze and reduction in nuclear weapons.

Senator Hancock offers Amendment No. 1 which is adopted (electronically recorded).

Senator Hardison offers Amendment No. 2 which is adopted (electronically recorded) upon the tie-breaking vote cast by the President of the Senate, Lieutenant Governor, James C. Green. Amendment No. 2 changes the title to read **S. J. R. 111,** a joint resolution urging the United States Government to seek a verifiable freeze and reduction in nuclear weapons.

Senator Winner offers a motion that the joint resolution, as amended, do lie upon the table, which motion prevails (electronically recorded). The joint resolution, as amended lies upon the table.

Senator Allsbrook, seconded by Senator Hardison, offers a motion that the vote by which the joint resolution, as amended, was laid upon the table be reconsidered, and further moves that that motion do lie upon the table, which motion prevails (electronically recorded).

The motion to reconsider the vote by which the joint resolution, as amended, was laid upon the table, lies upon the table.

S. B. 153, a bill to amend the North Carolina Fertilizer Law.

On motion of Senator Speed, consideration of the bill is postponed until Friday, March 18.

H. B. 258, a bill to amend the practicing psychologists licensing article, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 47, an act to clarify the authority of departmental heads to adopt rules and policies. (Ch. 76)

H. B. 31, an act to repeal Section 2 of Chapter 1399 of the 1981 Session Laws. (Ch. 73)

H. B. 217, an act to allow the Town of Windsor to collect on motor vehicles a tax of not more than two dollars. (Ch. 75)

H. B. 264, an act to require forfeiture of conveyances used in the commission of a robbery. (Ch. 74)

On motion of Senator Royall, seconded by Senator Jordan, the Senate adjourns to meet tomorrow at 11:00 A.M.

FORTY-EIGHTH DAY

SENATE CHAMBER,
Friday, March 18, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God Our Father, we pray this day for peace. We pray first for peace within our own hearts, for the assurance of Your love and forgiveness that enables us to meet each new day with hope and confidence. We also pray for peace within our families and among our friends and allies. Keep us from being too critical, too demanding, or from taking each other for granted. Help us to support each other as we seek to be Your faithful servants. Finally, we pray for peace among the nations of the world. Help us to find the way to acknowledge our common humanity with those we call our enemies, and to work together for a peace that is built on the solid foundation of mutual respect for each other and common allegiance to You as Our Creator. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Barnes of Wayne, who is addressing the Lions' Club of Hendersonville concerning **S. B. 1,** and to Senators Harrington, Hipps, Harris of Mecklenburg, Kincaid, Parnell, Rauch, and Thomas of Henderson for today; and to Senator Winner for March 21 and 22, Senator Daniels for March 22, 23, and 24; to Senator Guy for March 25 due to medical reasons.

A leave of absence granted previously to Senator Lawing is noted.

Senator Marion is noted absent for a portion of today's Session.

RE-REFERRAL

S. B. 202, a bill to revise the license fees for hunting, trapping, fishing and dealing in furs.

Without objection, the Chair orders the bill taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **Finance Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles,

together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee:**

H. B. 121 (Committee Substitute), a bill to amend G. S. 20-16.2 relating to mandatory revocation of license, with a favorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 336 (Committee Substitute), a bill to regain the State's authority over interest laws, and to make appropriate changes in the State's interest laws.
Referred to **Banking Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Woodard, Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Kincaid, Marion, Marvin, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Ward, Warren, White, Winner, and Wright:

S. J. R. 206, a joint resolution commemorating the life and memory of Nathan Hunter Yelton.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Warren, Alford, Ballenger, Davis, Edwards of Guilford, Hardison, Harris of Cleveland, Hipps, Jenkins, Johnson, Kincaid, Marion, Marvin, Parnell, Rauch, Redman, Thomas of Craven, Thomas of Henderson, and White:

S. B. 207, a bill to raise the minimum age for purchase, possession, and consumption of malt beverages and unfortified wine.
Referred to **Judiciary III Committee.**

By Senator Harrington:

S. B. 208, a bill to comply with the highway federal-aid requirements for proof of payment of the federal tax before issuing a State truck license.
Referred to **Ways and Means Committee.**

By Senator Harrington:

S. B. 209, a bill to amend the motor vehicle laws in Chapter 20 of the General Statutes to conform truck weights on State highways to the federal bridge formula and to update the statute by making other changes.
Referred to **Ways and Means Committee.**

By Senator Harrington:

S. B. 210, a bill to amend Chapter 20 to conform vehicle widths on all highways, and

truck trailer lengths and double truck trailers on the interstate and other designated highways, to federal-aid standards and other changes.

Referred to **Ways and Means Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 18 (House Committee Substitute), a bill to amend Domiciliary Home Community Advisory Committees, for concurrence in the House Committee Substitute which is placed on the Calendar for Monday, March 21.

H. B. 92, a bill to allow the Newton-Conover and the Catawba County School Unit Boards of Education to pay their ten-month personnel on or before the fifteenth day of each month.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 118 (Committee Substitute), a bill to authorize the use of the single portal of entry and exit prinicple in rendering mental health services.

Referred to **Human Resources Committee.**

H. B. 125, a bill to allow the Chapel Hill–Carrboro Board of Education to pay its employees on the last working day of each month.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 362, a bill to amend G. S. 75A-5 with respect to transfer of motorboat registration.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 363, a bill to authorize the Wildlife Resources Commission to conduct managed hunts on game lands and to charge fees for processing applications and use of related facilities.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 397, a bill to eliminate the requirement that the City of Asheville publish all ordinances in full.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 400, a bill to restrict the United States Government's ability to force Mecklenburg County to house federal prisoners in the Mecklenburg County Jail without adequate financial compensation and space consideration.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from March 17, are taken up and disposed of as follows:

S. B. 56, a bill to authorize property owner participation in the costs of road maintenance, improvements, additions and acquisition of right-of-way, for concurrence in House Amendment No. 1.

On motion of Senator Warren, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

S. J. R. 108, a joint resolution urging the Congress of the United States to oppose the passage of a federal tuition tax credit bill, for concurrence in House Amendment No. 1.

On motion of Senator Woodard, the Senate concurs in House Amendment No. 1 (electronically recorded) and the joint resolution is ordered enrolled.

S. B. 162 (Committee Substitute), a bill to provide for community service as a condition of probation for littering.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 248 (Committee Substitute), a bill to amend the regulatory authority of the Real Estate Licensing Board and to change the name of the Board to the Real Estate Commission.

Without objection, Senator Redman is excused from voting for the following reason: "My business is real estate."

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

S. B. 42 (Committee Substitute), a bill shortening the period for revocation of the natural parent's consent to an adoption, for concurrence in the House Amendment.

On motion of Senator Davis, the Senate concurs in the House Amendment and the Committee Substitute bill is ordered enrolled.

S. B. 89 (Committee Substitute), a bill to amend Chapter 50 of the General Statutes to establish procedures to insure payment of child support, as amended, upon third reading.

Without objection, the Chair places the Committee Substitute bill, as amended, on the Calendar for Monday, March 21, upon third reading.

S. B. 90 (Committee Substitute), a bill to amend Chapter 15A of the General Statutes to establish procedures to insure payment of child support.

Without objection, the Chair places the Committee Substitute bill on the Calendar for Monday, March 21.

S. B. 144 (Committee Substitute), a bill to promote fair commercial practices in the wholesale wine industry, for concurrence in House Amendments No. 1, 2, 5, 6, 9, 10, and 11.

Senator Swain rises to a point of parliamentary inquiry as to the question of concurrence on each amendment.

The Chair rules each amendment is before the Senate for concurrence.

On motion of Senator Swain, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded).

Senator Swain offers a motion that the Senate do concur in House Amendment No. 5, and calls the previous question, seconded by Senator Hardison. The call is sustained. The Senate concurs in House Amendment No. 5 (electronically recorded).

On motion of Senator Swain, the Senate concurs in House Amendments No. 6 and No. 9 (electronically recorded).

Senator Swain offers a motion that the Senate do concur in House Amendment No. 10 and calls the previous question, duly seconded. The call is sustained. The Senate concurs in House Amendment No. 10 (electronically recorded).

Senator Swain offers a motion that the Senate do concur in House Amendment No. 11.

Senator Hancock offers a substitute motion that the Committee Substitute bill, as amended, be taken from today's Calendar and re-referred to committee, which motion fails to prevail (electronically recorded).

The motion of Senator Swain that the Senate do concur in House Amendment No. 11 prevails, and the Committee Substitute bill, as amended, is ordered enrolled.

S. B. 153, a bill to amend the North Carolina Fertilizer Law.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 189, a bill to make a technical correction in G. S. 161-22.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 141, a bill to include educational, professional and career plans as a consideration in alimony awards.

On motion of Senator Jenkins, the bill is recommitted to the **Judiciary II Committee.**

H. B. 190, a bill to allow various towns to increase the tax levy on motor vehicles to a maximum of five dollars, upon second reading.

On motion of Senator Duncan, Committee Amendment No. 1 is adopted.

Senator Daniels offers Amendment No. 2 which is adopted (electronically recorded).

Senator Duncan offers Amendment No. 3 which is adopted (electronically recorded).

The bill, as amended, passes its second reading by roll-call vote, ayes 36, noes 4, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Hunt, Jenkins, Johnson, Jordan, Marion, Martin, Marvin, Rand, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—36.

Voting in the negative: Senators Hancock, Harris of Cleveland, Redman, and Royall—4.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 258, a bill to amend the practicing psychologists licensing article, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Martin, Marvin, Plyler, Rand, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—38.

Voting in the negative: None.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 95, an act to allow the Montgomery County Board of Education to convey certain lands at private sale to the Candor Lions Club. (Ch. 78)

March 18, 1983

S. B. 137, an act to authorize the City of Hickory to convey a parcel of land at private sale to the Hickory Museum of Art, Inc., and to validate a conveyance by the Board of Education of the Hickory Administrative School Unit. (Ch. 79)

S. B. 138, an act to allow the Sheriff and Deputy Sheriffs of Carteret County to purchase automobiles from State surplus. (Ch. 80)

H. B. 119, an act to amend G. S. 20-16.1 relating to mandatory suspension of driver's license. (Ch. 77)

On motion of Senator Royall, seconded by Senator Woodard, the Senate adjourns to meet Monday at 8:00 P.M.

FORTY-NINTH DAY

SENATE CHAMBER,
Monday, March 21, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Clyde Tucker, Pastor of Benson Memorial United Methodist Church, Raleigh, as follows:

"Eternal God, who created us to live in families and in larger units of state and nation, we are aware of our dependence upon You in all the affairs of our daily lives. Give to this Legislative Body the wisdom to make the best choices for the good of all the people of this State. May they have the humility to feel the weight of the burden of their task, and the integrity to stand for what is just and right. Keep them ever mindful that they are responsible not only to their constituents, but ultimately must answer to You as Lord and Judge who gives us places of power in the service of Your Earthly Kingdom. Help us all to be so diligent and faithful in our labors here, that we may be prepared to enter also into the joys of Your Heavenly Kingdom. Through Christ our Lord. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Davis and Marion for tonight and to Senator Plyler for tomorrow, March 22.

Leaves of absence granted previously to Senators Lawing and Winner are noted.

The President recognizes the following pages serving in the Senate this week: Christie Alls, Raleigh; Leah Barker, Shelby; Michelle Barrows, Raleigh; Jeff Bullard, Fayetteville; Marcilynn Burke, Raleigh; Mark Ennis, Lillington; Kelly Garner, Statesville; Joe Johnson, Lowell; Robert Kennedy, Fayetteville; Michelle Lee, Burlington; Carla Lowry, Rowland; Eileen Margolies, Gastonia; Christopher Maynor, Monroe; Paige Revelle, Murfreesboro; Amy Stott, Rocky Mount; Jeff Sugg, Seagrove; Matthew Tuttle, Stoneville; Chris Ward, Jacksonville; George Wiggins, Swansboro; and Sandra Slomanski, Wilmington.

APPOINTMENT BY THE GOVERNOR

The President directs the Reading Clerk of the Senate to read the following message from the Governor:

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh 27611
March 17, 1983

The Honorable James Green
Lt. Governor of North Carolina
Legislative Office Building
Raleigh, North Carolina 27611

Dear Jimmy:

Pursuant to the provisions of North Carolina Statutes Section 53-92, I submit herewith to the North Carolina Senate the name of Mr. James S. Currie of Wake County for reappointment as Commissioner of Banks for a term expiring April 1, 1987.

Your assistance in this matter is greatly appreciated.

My warmest personal regards.

Sincerely,
S/ JAMES B. HUNT, JR.

Referred to **Banking Committee.**

RE-REFERRALS

S. B. 208, a bill to comply with the highway federal-aid requirements for proof of payment of the federal tax before issuing a State truck license.

On motion of Senator Thomas of Henderson, the bill is taken from the **Ways and Means Committee** and re-referred to the **Ways and Means/Transportation Committee.**

S. B. 209, a bill to amend the motor vehicle laws in Chapter 20 of the General Statutes to conform truck weights on State highways to the federal bridge formula and to update the statute by making other changes.

On motion of Senator Thomas of Henderson, the bill is taken from the **Ways and Means Committee** and re-referred to the **Ways and Means/Transportation Committee.**

S. B. 210, a bill to amend Chapter 20 to conform vehicle widths on all highways, and truck trailer lengths and double truck trailers on the interstate and other designated highways to federal-aid standards and other changes.

On motion of Senator Thomas of Henderson, the bill is taken from the **Ways and Means Committee** and re-referred to the **Ways and Means/Transportation Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Daniels:

S. J. R. 211, a joint resolution urging the United States Government to refrain from ocean disposal of decommissioned nuclear submarines off the North Carolina coast.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Harris of Cleveland, Hardison, Marvin, Royall, Staton, and Woodard:

S. B. 212, a bill to establish the North Carolina Institute of Medicine.
Referred to **Human Resources Committee.**

By Senator Speed:

S. B. 213, a bill to appropriate funds to assist in the restoration of the Person Place.
Referred to **Appropriations Committee.**

By Senator Speed:

S. B. 214, a bill to repeal obsolete local acts relating to pay of officials of Franklin County.
Referred to **Local Government and Regional Affairs Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 31, a bill to make amendments to the Termination of Parental Rights Statute, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, March 22.

H. B. 260, a bill to exclude from gross income amounts paid by an employer for dependent care assistance provided for the benefit of the employee.
Referred to **Finance Committee.**

H. B. 369, a bill to provide that permits for pyrotechnic displays within incorporated municipalities in Catawba County shall be granted by the city council instead of the county commissioners, and to provide that the county commissioners may delegate their permit-granting powers relating to pyrotechnic displays and sales of explosives.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 378, a bill validating certain assessments of the City of Elizabeth City.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 390, a bill to amend the provisions of the wildlife preserve and bird sanctuary in Cape Colony Subdivision, Chowan County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 395, a bill to incorporate the Town of Dobbins Heights in Richmond County.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 399, a bill to provide that the fee for gun permits in Mecklenburg County shall be governed by general law.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 407, a bill to require sentence credit when juvenile conditionally released.
Referred to **Judiciary I Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 18 (House Committee Substitute), a bill to amend Domiciliary Home Community Advisory Committees, for concurrence in the House Committee Substitute bill.

On motion of Senator Gray, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

S. B. 77 (Committee Substitute), a bill providing for alternative means of dispute resolution.

Without objection, the Chair orders the Committee Substitute bill withdrawn from the Calendar and re-referred to the **Appropriations Committee.**

S. B. 89 (Committee Substitute), a bill to amend Chapter 50 of the General Statutes to establish procedures to insure payment of child support, as amended, upon third reading.

Without objection, the Chair orders the Committee Substitute bill, as amended, withdrawn from the Calendar and re-referred to the **Appropriations Committee.**

S. B. 90 (Committee Substitute), a bill to amend Chapter 15A of the General Statutes to establish procedures to insure payment of child support.

Without objection, the Chair orders the Committee Substitute bill withdrawn from the Calendar and re-referred to the **Appropriations Committee.**

H. B. 121 (Committee Substitute), a bill to amend G. S. 20-16.2 relating to mandatory revocation of license.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 190, a bill to allow various towns to increase the tax levy on motor vehicles to a maximum of five dollars, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Martin, Marvin, Parnell, Plyler, Rauch, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Woodard, and Wright—40.

Voting in the negative: Senators Hancock, Redman, and Royall—3.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, 2, and 3.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 42 (Committee Substitute), an act shortening the period for revocation of the natural parent's consent to an adoption. (Ch. 83)

S. B. 56, an act to authorize property owner participation in the costs of road maintenance, improvements, additions and acquisition of right-of-way. (Ch. 84)

S. J. R. 108, a joint resolution urging the Congress of the United States to oppose the passage of a federal tuition tax credit bill. (Res. 6)

S. B. 144 (Committee Substitute), an act to promote fair commercial practices in the wholesale wine industry. (Ch. 85)

H. B. 248 (Committee Substitute), an act to amend the regulatory authority of the Real Estate Licensing Board and to change the name of the Board to the Real Estate Commission. (Ch. 81)

H. B. 258, an act to amend the practicing psychologists licensing article. (Ch. 82)

On motion of Senator Royall, seconded by Senator Johnson, the Senate adjourns to meet tomorrow at 1:30 P.M.

FIFTIETH DAY

SENATE CHAMBER,
Tuesday, March 22, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Tom Southern, Hodgins Memorial United Methodist Church, Stoneville.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Jordan for today.

Leaves of absence granted previously to Senators Winner, Daniels, and Plyler are noted.

RE-REFERRAL

S. B. 203, a bill to limit the dimensions of motor vehicles using the interstate and federally assisted highway system in North Carolina.

On motion of Senator Thomas of Henderson the bill is taken from the **Ways and Means Committee** and re-referred to the **Ways and Means/Transportation Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee:**

H. B. 325, a bill to amend the weights and measures law concerning scale technicians, with a favorable report, as amended.

By Senator Tally for the **Higher Education Committee:**

S. B. 121, a bill regarding requests for State assistance by private colleges and universities, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

H. B. 142 (Committee Substitute), a bill to define resumption of marital relations by separated spouses, with a favorable report.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

H. B. 116 (Committee Substitute), a bill to allow the head of a local law enforcement agency to appoint traffic control officers, with a favorable report, as amended.

H. B. 151 (Committee Substitute), a bill to amend the statutes relating to public accountants, with a favorable report, as amended.

On motion of Senator Barnes of Wayne, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendments No. 1 and 2 are adopted.

On motion of Senator Barnes of Wayne, the Committee Substitute bill, as amended, is re-referred to the **Finance Committee.**

By Senator Hipps for the **Local Government and Regional Affairs Committee:**

S. B. 168, a bill to restrict the use of intangible tax revenue by Henderson County, with a favorable report, as amended.

S. B. 170, a bill to extend the sunset provision on an act to authorize the City of Raleigh to exercise certain land acquisition and disposal procedures, with a favorable report.

S. B. 172, a bill relating to the prima facie rule of evidence for enforcement of parking regulations in the City of Winston-Salem, with a favorable report.

S. B. 176, a bill to make statewide a law that currently applies only in Ashe, Bladen, Brunswick, Caswell, Columbus, Franklin, Granville, Johnston, Pender, Person, Sampson, Vance and Warren Counties and which requires that consent be obtained from the board of county commissioners before land in a county may be condemned or acquired by a unit of local government which is located wholly or primarily outside the county, with a favorable report, as amended.

S. B. 183, a bill to allow Forsyth County to delegate the authority to make certain releases and refunds of property tax, with a favorable report.

S. B. 190, a bill to change the Mitchell County Tax Collector from an elective to an appointive position, with a favorable report.

S. B. 192, a bill to permit the City of Hendersonville to authorize its Zoning Board of Adjustment to make decisions pursuant to a seven member majority vote, with a favorable report.

S. B. 204, a bill to permit persons to engage in business as a pawnbroker in unincorporated areas of Jackson County, with a favorable report.

H. B. 99, a bill bringing Forsyth County under general State law for pistol permit fees, with a favorable report.

H. B. 181, a bill to expand the extraterritorial jurisdiction of the Norwood Town Police to two miles, with a favorable report.

H. B. 308, a bill to amend the Charter of the City of Charlotte relating to the sale of real property, with a favorable report.

H. B. 311, a bill to define the corporate limits of the Town of Troutman in Iredell County, with a favorable report.

H. B. 316, a bill to allow the Town of Hillsborough to be divided into more than one precinct and to validate elections and actions of that Town, with a favorable report.

H. B. 317, a bill to annex certain property to the Town of Ayden, with a favorable report.

H. B. 337, a bill to expand the membership of the Industrial-Agricultural Development Commission of Lenoir County, with a favorable report.

H. B. 344, a bill to change the filing deadline for election to the Rutherford County Board of Education, with a favorable report.

H. B. 349, a bill to change the definition of subdivision for subdivision regulation in Scotland County, with a favorable report.

H. B. 350, a bill to provide for the election of members of the Rowan County Board of Education in the general election with a favorable report.

H. B. 359, a bill to allow New Hanover County and Avery County to name and assign street numbers to private roads in unincorporated areas, with a favorable report.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 31, a bill to make amendments to the Termination of Parental Rights Statute, for concurrence in House Amendment No. 1.

On motion of Senator Harris of Cleveland, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 18, an act to amend Domiciliary Home Community Advisory Committees. (Ch. 88)

H. B. 67, an act to rewrite and simplify G. S. 14-269 regarding carrying concealed weapons. (Ch. 86)

H. B. 121 (Committee Substitute), an act to amend G. S. 20-16.2 relating to mandatory revocation of license. (Ch. 87)

On motion of Senator Lawing, seconded by Senator Thomas of Craven, the Senate adjourns to meet tomorrow at 1:30 P.M.

March 22, 1983

FIFTY-FIRST DAY

SENATE CHAMBER,
Wednesday, March 23, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, whose will for us is fullness of life here and in the hereafter, we pray today for Your continued guidance of the minds and hearts of the women and men of this Senate. Help them O Lord, as they seek to determine worthy goals and the programs that will enable us to reach them. Forgive them when they stumble along the path of righteousness, uphold them when they turn to You in need, give them Your light in those dark nights of the soul when it seems that there is no hope, and help us all to remember that we are fragile human beings — never perfect, but needing to support, the encouragement, the sharing of pain, and the prayers of our brothers and sisters. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Ballenger, who is having lunch at the White House with President Reagan, and to Senator Walker for today and to Senator Harrington for tomorrow and Friday, March 24 and 25.

A leave of absence granted previously to Senator Daniels is noted.

COMMITTEE APPOINTMENTS

The President announces the following committee appointments: **WAYS AND MEANS/TRANSPORTATION COMMITTEE:** Senators Jenkins, Soles, and Swain are added as members.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 109
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
March 22, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for **H. B. 109,** A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE WILDLIFE PRESERVE AND BIRD SANCTUARY IN ARROWHEAD BEACH SUBDIVISION, CHOWAN COUNTY, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
GRACE A. COLLINS
Principal Clerk

March 23, 1983

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senators Duncan and Rauch for the **Finance Committee:**

S. B. 169, a bill to revise procedures of the Board of Podiatry Examiners, with a favorable report.

S. B. 182, a bill to amend the North Carolina Parking Facilities Revenue Bond Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Duncan, the Committee Substitute bill is placed on the Calendar for Thursday, March 24.

S. B. 202, a bill to revise the license fees for hunting, trapping, fishing and dealing in furs, with a favorable report, as amended.

H. B. 213, a bill to amend Article 7 of Chapter 90 of the General Statutes relating to the Board of Osteopathic Examination and Registration and to permit higher registration fees, with a favorable report.

H. B. 256, a bill to amend Chapter 89D, concerning landscape contractors, with a favorable report.

By Senator Harris of Cleveland for the **Human Resources Committee:**

H. B. 118 (Committee Substitute), a bill to authorize the use of the single portal of entry and exit principle in rendering mental health services, with a favorable report, as amended.

H. B. 288, a bill to authorize cities and counties to provide alternatives for the transportation of involuntarily committed respondents, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris of Cleveland, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Harris of Cleveland, the Senate Committee Substitute bill is placed on the Calendar for Friday, March 25.

By Senator Staton for the **State Government Committee:**

H. B. 160, a bill to extend the effective date of probationary or temporary certificates issued to North Carolina Code officials, with a favorable report.

On motion of Senator Staton, the rules are suspended and the bill is placed on today's Calendar for consideration.

H. B. 247 (Committee Substitute), a bill to allow certain townships to vote on alcoholic beverages sales and to allow off-premises unfortified wine sales in townships that have voted to permit the sale of mixed beverages, with a favorable report

H. B. 257, a bill to establish three-year terms for members of the State Board of Registration for Foresters and to set a limit of two consecutive terms, with a favorable report.

By Senator Staton for the **State Government/Senior Citizens Affairs Committee:**

S. B. 13, a bill to subject nursing home beds in hospitals to the Nursing Home Patients Bill of Rights, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Staton, the Committee Substitute bill is placed on the Calendar for Friday, March 25.

By Senators Harrington and Thomas of Henderson for the **Ways and Means/ Transportation Committee:**

H. B. 168, a bill to authorize the Department of Transportation to use State and federal funds to construct, maintain, lease or otherwise provide for commuter and ridesharing parking, with a favorable report.

H. B. 209, a bill to exempt tow dollies from certificate of title and registration requirements for motor vehicles, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Thomas of Craven, Duncan, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Marvin, Parnell, Plyler, Rand, Royall, Staton, Swain, Tally, Thomas of Henderson, Walker, Ward, Warren, and Woodard:

S. J. R. 215, a joint resolution urging Congress to oppose the sale of any national forest service land in North Carolina.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Jenkins, Edwards of Caldwell, Tally, and Woodard:

S. B. 216, a bill to regulate prepaid dental plans and prepaid dental plan organizations.

Referred to **Insurance Committee.**

By Senator Parnell:

S. B. 217, a bill to permit members of the Teachers' and State Employees' Retirement System to purchase creditable service for temporary State employment by paying an amount equal to the full actuarial liablility.

Referred to **Pensions and Retirement Committee.**

By Senator Parnell:

S. B. 218. a bill to appropriate funds to assist in the restoration of the Hoke County Courthouse.

Referred to **Appropriations Committee.**

By Senators Ballenger, Kincaid, Redman, and Wright:

S. B. 219, a bill to require a person to resign from State or local office if he or she seeks another public office the term of which runs concurrently with that of the office he is holding.

Referred to **State Government/Election Laws Committee.**

By Senators White, Guy, Hancock, Hardison, Hipps, Redman, Soles, Speed, Thomas of Craven, Warren, and Wright:

S. B. 220, a bill to repeal the marketing of farmers stock peanuts act, the North Carolina Meat Grading Law, and an unconstitutional provision of the marketing and branding farm products act.

Referred to **Agriculture Committee.**

By Senators White, Hancock, Hardison, Hipps, Redman, Soles, Speed, Thomas of Craven, Warren, and Wright:

S. B. 221, a bill to amend Article 49 of Chapter 106, relating to hatcheries and chick dealers.

Referred to **Agriculture Committee.**

By Senator Hardison:

S. B. 222, a bill to allow any unused portion of the tax credit provided for conversion of an industrial boiler to wood fuel to be carried forward for five years.

Referred to **Finance Committee.**

Senator Edwards of Caldwell moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Edwards of Caldwell:

S. B. 228, a bill to regain the State's authority over interest laws.

Referred to **Banking Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 66, a bill to revise and simplify G. S. 8-57 regarding the testimony of spouses in criminal actions.

Referred to **Judiciary III Committee.**

H. B. 221, a bill to allow the Coastal Resources Commission to issue general permits under the Coastal Area Management Act and under the dredge and fill law.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 229, a bill to decrease the time allotted for the consideration of permits under the Coastal Area Management Act.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 231, a bill to provide for the issuance of special emergency permits under the Coastal Area Management Act.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 233 (Committee Substitute), a bill to authorize the delegation of a magistrate as administrative magistrate.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 428, a bill to permit all incorporated cities and towns to levy auto taxes of not more than five dollars.

Referred to **Finance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 121, a bill regarding requests for State assistance by private colleges and universities.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 168, a bill to restrict the use of intangible tax revenue by Henderson County.

On motion of Senator Thomas of Henderson, the bill is re-referred to the **Appropriations Committee.**

S. B. 170, a bill to extend the sunset provision on an act to authorize the City of Raleigh to exercise certain land acquisition and disposal procedures.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 172, a bill relating to the prima facie rule of evidence for enforcement of parking regulations in the City of Winston-Salem.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 176, a bill to make statewide a law that currently applies only in Ashe, Bladen, Brunswick, Caswell, Columbus, Franklin, Granville, Johnston, Pender, Person, Sampson, Vance and Warren Counties and which requires that consent be obtained from the board of county commissioners before land in a county may be condemned or acquired by a unit of local government which is located wholly or primarily outside the county, upon second reading.

On motion of Senator Marion, the bill is recommitted to the **Local Government and Regional Affairs Committee.**

S. B. 183, a bill to allow Forsyth County to delegate the authority to make certain releases and refunds of property tax.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 190, a bill to change the Mitchell County Tax Collector from an elective to an appointive position.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

Senator Kincaid requests to be recorded voting "no."

S. B. 192, a bill to permit the City of Hendersonville to authorize its Zoning Board of Adjustment to make decisions pursuant to a seven member majority vote.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 204, a bill to permit persons to engage in business as a pawnbroker in unincorporated areas of Jackson County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 99, a bill bringing Forsyth County under general State law for pistol permit fees, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Ward, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 116 (Committee Substitute), a bill to allow the head of a local law enforcement agency to appoint traffic control officers.

Senator Barnes of Wayne offers Committee Amendment No. 1 for adoption.

Without objection, the Chair orders the Committee Substitute bill with pending Committee Amendment No. 1 recommitted to the **Judiciary III Committee** for report as a Senate Committee Substitute bill.

H. B. 142 (Committee Substitute), a bill to define resumption of marital relations by separated spouses.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

Senator Davis offers Amendment No. 2.

On motion of Senator Swain, the Committee Substitute bill, as amended, with pending Amendment No. 2, is recommitted to the **Judiciary I Committee.**

H. B. 160, a bill to extend the effective date of probationary or temporary certificates issued to North Carolina Code officials.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 181, a bill to expand the extraterritorial jurisdiction of the Norwood Town Police to two miles.

The bill passes its second and third readings and is ordered enrolled.

H. B. 308, a bill to amend the Charter of the City of Charlotte relating to the sale of real property.

The bill passes its second and third readings and is ordered enrolled.

H. B. 311, a bill to define the corporate limits of the Town of Troutman in Iredell County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Ward, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 316, a bill to allow the Town of Hillsborough to be divided into more than one precinct and to validate elections and actions of that Town.

The bill passes its second and third readings and is ordered enrolled.

H. B. 317, a bill to annex certain property to the Town of Ayden, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Ward, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 325, a bill to amend the weights and measures law concerning scale technicians.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

The bill, as amended, passes it second reading (electronically recorded).

On objection of Senator Barnes of Wayne to its third reading, the bill, as amended, remains on the Calendar for further consideration.

H. B. 337, a bill to expand the membership of the Industrial-Agricultural Development Commission of Lenoir County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 344, a bill to change the filing deadline for election to the Rutherford County Board of Education.

The bill passes its second and third readings and is ordered enrolled.

H. B. 349, a bill to change the definition of subdivision for subdivision regulation in Scotland County.

The bill passes its second and third readings and ordered enrolled.

H. B. 350, a bill to provide for the election of members of the Rowan County Board of Education in the general election.

The bill passes its second and third readings and is ordered enrolled.

H. B. 359, a bill to allow New Hanover County and Avery County to name and assign street numbers to private roads in unincorporated areas.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 31, an act to make amendments to the Termination of Parental Rights Statute. (Ch. 89)

On motion of Senator Lawing, seconded by Senator Edwards of Guilford, the Senate adjourns to meet tomorrow at 1:30 P.M.

FIFTY-SECOND DAY

SENATE CHAMBER,
Thursday, March 24, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, You have led us in each new generation to discoveries of the truth. We thank You today for the men and women who teach, administer, and work in schools and colleges in this State. Make them eager to explore Your world, searching mysteries, discovering anew Your power and might and goodness in creation. Give to them a spirit of patience with those who are slow to learn, and keep their minds young, resilient, excited and devoted to human welfare. Remind us of our obligation to those who teach; to support, encourage, and honor them for the important work they do. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Barnes of Wayne and Harris of Mecklenburg for today; also to Senator Royall for a portion of today's Session and for tomorrow, March 25, to attend a meeting of the National Conference of State Legislatures' Fiscal Affairs and Legislative Oversight Committee in Boston, Massachusetts. Leaves of absence are granted to Senators Harris of Mecklenburg and White for tomorrow, March 25.

A leave of absence granted previously to Senator Harrington is noted and Senator Daniels is noted present.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee:**

S. B. 127, a bill to make clarifying and procedural changes to the law regarding

education for children with special needs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Monday, March 28.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

S. B. 146, a bill to establish the North Carolina income tax refund checkoff program for the management of nongame and endangered species, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Craven, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Thomas of Craven, the Committee Substitute bill is re-referred to the **Finance Committee.**

H. B. 68, a bill to extend the hours during which the intentional sweeping of game lands with lights and the intentional shining of lights on deer are prohibited in additional counties, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Thomas of Craven, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 68** (Senate Committee Substitute), a bill to authorize counties to request an extension of the hours during which regulations of the Wildlife Resources Commission would prohibit the intentional sweeping of an area with lights or the intentional shining of lights on deer, is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Thomas of Craven, the Senate Committee Substitute bill is placed on the Calendar for Monday, March 28.

H. B. 296, a bill relating to hunting foxes in Onslow County, with a favorable report.

By Senator Plyler for the **Pensions and Retirement Committee:**

S. B. 105, a bill to grant post-retirement increases in allowances to retired members of the Law Enforcement Officers' Benefit and Retirement Fund and make appropriations, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Plyler, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S. B. 106, a bill to extend death and accident benefits to law enforcement officers retired prior to July 1, 1965, with a favorable report.

S. B. 140, a bill to increase the amount that can be received in benefits from the Lexington Firemen's Supplemental Retirement Fund, with an unfavorable report as to

bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Plyler, the Committee Substitute bill is placed on the Calendar for Monday, March 28.

S. B. 160, a bill to amend the Winston-Salem Firemen's Retirement Fund Association, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 156, a bill to restore language requiring licensing boards and associations to pay for health insurance benefits.

Referred to **Pensions and Retirement Committee.**

H. B. 327, a bill to include certain computer programs in the definition of tangible personal property under the sales and use tax provisions.

Referred to **Finance Committee.**

H. B. 468, a bill to revise the procedures for nomination of candidates to the State Board of Community Colleges.

Referred to **Higher Education Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Duncan:

S. B. 223, a bill to consider merger of school districts in Rockingham County.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Edwards of Caldwell:

S. B. 224, a bill to redefine the terms "detection of deception examiner" as used in the Private Protective Services Act.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

By Senator Edwards of Caldwell:

S. B. 225, a bill to appropriate funds for the North Carolina Rhododendron Festival in Mitchell County.

Referred to **Appropriations Committee.**

By Senator Edwards of Caldwell:

S. B. 226, a bill to provide a campaign spending limit for State executive and legislative offices.

Referred to **State Government/Election Laws Committee.**

By Senators Ward and Barnes of Forsyth:

S. B. 227, a bill to provide funds for the use of Old Salem.
Referred to **Appropriations Committee.**

By Senator Edwards of Guilford:

S. B. 229, a bill requiring a cost statement to appear on State publications.
Referred to **State Government Committee.**

By Senators Swain and Winner:

S. B. 230, a bill to establish the Buncombe School Capital Fund Commission.
Referred to **Finance Committee.**

By Senators Harris of Cleveland, Marvin, and Rauch (by request):

S. B. 231, a bill to allow the Rutherford County Board of Commissioners to establish a county police force.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 169, a bill to revise procedures of the Board of Podiatry Examiners.
The bill passes its second reading (electronically recorded).
On objection of Senator Allsbrook to its third reading, the bill remains on the Calendar for further consideration.

S. B. 182 (Committee Substitute), a bill to amend the North Carolina Parking Facilities Revenue Bond Act, upon second reading.
The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:
Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.
Voting in the negative: None.
The Committee Substitute bill remains on the Calendar upon third reading.

S. B. 202, a bill to revise the license fees for hunting, trapping, fishing and dealing in furs.
On motion of Senator Rauch, Committee Amendment No. 1 is adopted.
The bill, as amended, passes its second and third readings (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

H. B. 99, a bill bringing Forsyth County under general State law for pistol permit fees, upon third reading.
The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:
Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy,

Hancock, Hardison, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 118 (Committee Substitute), a bill to authorize the use of the single portal of entry and exit principle in rendering mental health services.

On motion of Senator Harris of Cleveland, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the Committee Substitute bill, as amended, remains on the Calender for further consideration.

H. B. 168, a bill to authorize the Department of Transportation to use State and federal funds to construct, maintain, lease or otherwise provide for commuter and ridesharing parking.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 209, a bill to exempt tow dollies from certificate of title and registration requirements for motor vehicles.

Without objection, the Chair orders the bill recommitted, to the **Ways and Means/ Transportation Committee.**

H. B. 213, a bill to amend Article 7 of Chapter 90 of the General Statutes relating to the Board of Osteopathic Examination and Registration and to permit higher registration fees, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 247 (Committee Substitute), a bill to allow certain townships to vote on alcoholic beverages sales and to allow off-premises unfortified wine sales in townships that have voted to permit the sale of mixed beverages.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded). Senator Marion requests to be recorded voting "no."

On objection of Senator Harris of Cleveland to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 256, a bill to amend Chapter 89D, concerning landscape contractors, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: Senator Kincaid—1.

The bill remains on the Calendar upon third reading.

H. B. 257, a bill to establish three-year terms for members of the State Board of Registration for Foresters and to set a limit of two consecutive terms.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 311, a bill to define the corporate limits of the Town of Troutman in Iredell County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 317, a bill to annex certain property to the Town of Ayden, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 325, a bill to amend the weights and measures law concerning scale technicians, as amended, upon third reading.

Senator White offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and 2.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 160, an act to extend the effective date of probationary or temporary certificates issued to North Carolina Code officials. (Ch. 90)

H. B. 181, an act to expand the extraterritorial jurisdiction of the Norwood Town Police

to two miles. (Ch. 91)

H. B. 308, an act to amend the Charter of the City of Charlotte relating to the sale of real property. (Ch. 92)

H. B. 316, an act to allow the Town of Hillsborough to be divided into more than one precinct and to validate elections and actions of that Town. (Ch. 93)

H. B. 337, an act to expand the membership of the Industrial-Agricultural Development Commission of Lenoir County. (Ch. 94)

H. B. 344, an act to change the filing deadline for election to the Rutherford County Board of Education. (Ch. 95)

H. B. 349, an act to change the definition of subdivision for subdivision regulation in Scotland County. (Ch. 96)

H. B. 350, an act to provide for the election of members of the Rowan County Board of Education in the general election. (Ch. 97)

H. B. 359, an act to allow New Hanover County and Avery County to name and assign street numbers to private roads in unincorporated areas. (Ch. 98)

On motion of Senator Lawing, seconded by Senator Swain, the Senate adjourns to meet tomorrow at 11:00 A.M.

FIFTY-THIRD DAY

SENATE CHAMBER,
Friday, March 25, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God our Father: The snow of yesterday reminds us once more of our fragile human existence, dependent upon Your mercy and providence. Innocent white flakes, so beautiful, so symbolic of purity as they cover every blemish we have made on the earth with their softness. Even in their beauty, however, they also remind us of our mortality, and our dependence upon structures that easily break down. We scurry about in haste, buying this and that in preparation of a white apocalypse. We give you thanks, O God, not only for beauty; but for this reminder of our mortality and our creaturely subservience to the natural world in which you have placed us. Help us to learn from this experience; that despite our great achievements, we are still Your creatures — not masters of the world, but part of it. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Ballenger and Staton; to

Senator Swain to attend a meeting of the Governor's Crime Commission; to Senators Duncan and Winner for Monday, March 28; also to Senator Rauch for Monday and Tuesday, March 28 and 29, for religious observance.

Leaves granted previously to Senators Guy, Harrington, Harris of Mecklenburg, and Royall are noted.

Senator White is noted present.

CONSENT TO APPOINTMENT

Senator Edwards of Caldwell, for the **Banking Committee** submits the following report:

REPORT OF SENATE BANKING COMMITTEE ON APPOINTMENT OF THE STATE COMMISSIONER OF BANKS

The Senate Committee on Banking, which has been charged by the Lieutenant Governor with the duty of inquiring into the qualifications and fitness of persons appointed by the Governor in cases where appointments are subject to consent by the Senate of the General Assembly, reports as follows:

The Senate Committee on Banking recommends that in compliance with G. S. 53-92 the members of the Senate vote to give consent to the appointment by the Governor of James S. Currie to another four year term expiring April 1, 1987.

S/ JAMES H. EDWARDS, *Chairman*
Committee on Banking

Senator Edwards of Caldwell offers a motion that the Senate accept the recommendation of the Banking Committee and consent to the appointment of James S. Currie as Commissioner of Banks, which motion prevails (electronically recorded).

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. J. R. 206, a joint resolution commemorating the life and memory of Nathan Hunter Yelton, with a favorable report.

On motion of Senator Lawing, the joint resolution is placed on the Calendar for Monday, March 28, as Special Order of Business No. 1.

CONFERENCE REPORT

H. B. 109
(Senate Committee Substitute)

Senator Thomas of Craven, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 109** (Senate Committee Substitute), a bill to amend the provisions of the wildlife preserve and bird

sanctuary in Arrowhead Beach Subdivision, Chowan County, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute for House Bill 109, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE WILDLIFE PRESERVE AND BIRD SANCTUARY IN ARROWHEAD BEACH SUBDIVISION, CHOWAN COUNTY, wish to report as follows:

The House concurs in the Senate Committee Substitute for House Bill 109, with the following amendments:

1) on page 1, line 5, by replacing "1-5", with "1 through 5";
2) on page 2, line 23, by replacing the comma with the word "or";
3) on page 3, line 1, by adding a quotation mark at the end of the line.
And the Senate concurs in those amendments.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 23rd day of March 1983.

JOSEPH E. THOMAS
WILLIAM W. REDMAN, JR.
MELVIN R. DANIELS, JR.
Conferees on the part
of the Senate

J. E. LAMBETH
VERNON JAMES
CHARLES D. EVANS
Conferees on the part of
the House of Representatives

On motion of Senator Thomas of Craven, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Kincaid:

S. B. 232, a bill to appropriate funds for computer maintenance and office product technician programs at a western and a western piedmont region community college.

Referred to **Appropriations Committee.**

By Senators Winner and Swain:

S. B. 233, a bill to provide that Buncombe County shall be governed by a board of commissioners elected together, and shall be under the county-manager plan.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Plyler and Jordan:

S. B. 234, a bill to appropriate funds for the development of the Andrew Jackson Memorial.

Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 379, a bill to provide that the sheriff issue Bertie County weapon permits.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 418, a bill to authorize the County of Caswell to convey a parcel of land at private sale to the Cherokee Council of the Boy Scouts of America, Inc.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 423, a bill to add a speed restriction for subdivision streets.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 424, a bill to increase the maximum fine for violation of Mecklenburg County ordinances.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 425, a bill to allow cities and counties to contract for the operation of human relations, community action and manpower development programs.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 429, a bill to make a technical correction in a reference to a plat of the county boundary between Tyrrell and Washington Counties.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 437, a bill to provide that the filing period for Cabarrus County Board of Education shall be the same as for County officers generally.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 441, a bill related to zoning by the City of Rocky Mount.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 452, a bill to permit the limited expansion of the prison enterprise laundry operations.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 454, a bill to allow the Town of Troutman to appoint a Town Administrator.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 469, a bill to increase the mileage allowance for the Durham County Board of Education.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 479, a bill to provide that the City of Reidsville may reduce water rates of senior citizens by one dollar per month.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 13 (Committee Substitute), a bill to subject nursing home beds in hospitals to the Nursing Home Patients Bill of Rights.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 106, a bill to extend death and accident benefits to law enforcement officers retired prior to July 1, 1965.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 160, a bill to amend the Winston-Salem Firemens' Retirement Fund Association.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 169, a bill to revise procedures of the Board of Podiatry Examiners, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

S. B. 182 (Committee Substitute), a bill to amend the North Carolina Parking Facilities Revenue Bond Act, upon third reading.

On motion of Senator Hancock, the Committee Substitute bill is removed from today's Calendar and placed on the Calendar for Tuesday, March 29.

H. B. 118 (Committee Substitute), a bill to authorize the use of the single portal of entry and exit principle in rendering mental health services, as amended, upon third reading.

Senator Harris of Cleveland moves that the vote by which the Committee Substitute bill, as amended, passed its second reading be reconsidered, which motion prevails.

On motion of Senator Harris of Cleveland, the Committee Substitute bill, as amended, is recommitted to the **Human Resources Committee.**

H. B. 213, a bill to amend Article 7 of Chapter 90 of the General Statutes relating to the Board of Osteopathic Examination and Registration and to permit higher registration fees, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—42.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 247 (Committee Substitute), a bill to allow certain townships to vote on alcoholic beverages sales and to allow off-premises unfortified wine sales in townships that have voted to permit the sale of mixed beverages, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

Senator Marion requests to be recorded voting "no."

H. B. 256, a bill to amend Chapter 89D, concerning landscape contractors, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Gray, Hancock, Hardison, Harris of Cleveland, Hipps, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—40.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 288 (Senate Committee Substitute), a bill to authorize cities and counties to provide alternatives for the transportation of involuntarily committed respondents.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Lawing to its third reading, the Senate Committee Substitute bill remains on the Calendar for further consideration.

H. B. 296, a bill relating to hunting foxes in Onslow County.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 132, an act to provide for the election of the Chairman and Vice-Chairman of the Cumberland County Board of Education. (Ch. 99)

S. B. 166, an act to permit the Town of Beaufort to dispose of certain property. (Ch. 100)

H. B. 99, an act bringing Forsyth County under general State law for pistol permit fees. (Ch. 101)

H. B. 168, an act to authorize the Department of Transportation to use State and federal funds to construct, maintain, lease or otherwise provide for commuter and ridesharing parking. (Ch. 102)

H. B. 257, an act to establish three-year terms for members of the State Board of Registration for Foresters and to set a limit to two consecutive terms. (Ch. 103)

H. B. 311, an act to define the corporate limits of the Town of Troutman in Iredell County. (Ch. 104)

H. B. 317, an act to annex certain property to the Town of Ayden. (Ch. 105)

On motion of Senator Lawing, seconded by Senator Hipps, the Senate adjourns to meet Monday at 8:00 P.M.

FIFTY-FOURTH DAY

SENATE CHAMBER,
Monday, March 28, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Edgar Byers, Pastor of Western Boulevard Presbyterian Church, Raleigh, as follows:

"Our Father in heaven, after a day of rest from official duties, we return to consider the mission placed upon us by the people of North Carolina and to those responsibilities to which You have called us. Once again we are reminded of our investment of time and talent. We seek to be true to our calling and ask the guidance of Your Holy Spirit. In our deliberations may we be open to what others are saying, and tuned in to Your voice that the best interest of the people of our State will be served. Give us wisdom to know the right and the courage to stand firm in our convictions.

"Bring together in a right spirit all the good efforts of all Your servants here tonight that Your will may be accomplished.

"In Christ's name, we pray.

Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Leaves granted previously to Senators Duncan, Rauch, and Winner are noted.

The President recognizes the following pages serving in the Senate this week: Jim Barnhardt, Charlotte; Jeana Briscoe, Union Mills; Robert Cameron, Richlands; "B.C." Cone, Greensboro; Cindy Cook, Oxford; Kimberly Cook, Rougemont; Stuart Couch, Asheboro; Andrea Crook, Winston-Salem; Kevin Farris, Stoneville; Mark Feagan, Columbus; Erin Michelle Gilliland, Lenoir; Mary K. Keating, Kinston; Jeff Lancaster, Jacksonville; Greg Little, Winston-Salem; John Mann, Wrightsville Beach; Richard Marquardt, Beech Mountain; Angie Nix, Kinston; Willena Smith, Knightdale; Bill Snipes, Beech Mountain; John Trasti, Angier; and John Kincaid, Lenoir.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Winner:

S. B. 235, a bill to reinstate the felony charge and punishment for second escapes and to clarify a youthful offender escape provision.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

By Senators Edwards of Caldwell and Kincaid:

S. B. 236, a bill to incorporate the Town of Oak Hill in Burke County.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Woodard, Gray, Hancock, Hipps, Johnson, Marvin, Plyler, and Rand:

S. B. 237, a bill to clarify the disposition of a child born of a female prisoner.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

Senator Allsbrook offers a motion that the rules be suspended to allow the introduction of a Senate resolution and further moves that the Senate resolution be placed before the Senate for immediate consideration, which motions prevail by a two-thirds majority vote (electronically recorded).

By Senator Allsbrook:

S. R. 241, a Senate resolution amending the permanent rules of the Senate by extending the local bill deadline.
On motion of Senator Allsbrook, the Senate resolution is adopted. (The text of this resolution appears in the Appendix.)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. J. R. 250, a joint resolution concerning the Legislative Office Building.
Referred to **Rules and Operation of the Senate Committee.**

H. B. 348, a bill to add New Hanover and Durham Counties to the provisions of the General Statutes relating to attachment or garnishment and lien for ambulance service in certain counties.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 405, a bill to authorize the City of Monroe to convey to the United States or any agency thereof with or without monetary consideration, or to exchange with the United States or United States Postal Service or any agency thereof for other real and/or personal property certain real property owned by the City of Monroe.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 467, a bill to define the coporate limits of the Town of East Bend in Yadkin County.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 482, a bill to comply with the highway federal-aid requirements for proof of payment of the federal tax before issuing a State truck license.
Referred to **Ways and Means/Transportation Committee.**

H. B. 504, a bill to prohibit hunting from Highway 306 in Craven County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

S. J. R. 206

The hour having arrived for the consideration of Special Order No.1, the President of the Senate lays before the Senate Special Order No. 1, it being **S. J. R. 206**, a joint resolution commemorating the life and memory of Nathan Hunter Yelton.

On motion of Senator Woodard, the remarks of Congressman Ike Andrews, as read by the Reading Clerk, are spread upon the Journal, as follows:

"Nathan Yelton served all of us in North Carolina with grace, knowledge, and genial good humor. His was a life dedicated to people of all ages who aspired to greater educational heights and to a better quality of life. His efforts, both as a school teacher and administrator and as a member of the Governor's Cabinet, were always on behalf of others and a better life for all. Nathan's work with the administration of the Older Americans Act Programs in the State of North Carolina was an area in which he and I worked closely. That program is under the jurisdiction of the Subcommittee on Human Resources which I have the honor to chair, and my colleagues and I greatly valued the information and resources which Nathan and his fine staff provided us. North Carolina was and is a leader in providing services to the elderly and we are indebted to Nathan for his important part in that fine legacy. Both personally and professionally, Nathan's life exemplified that favorite passage of mine from St. Matthew, 'Well done, thou good and faithful servant, enter into the joy of Thy Lord.' May Nathan's good life among us continue to inspire us all to greater heights of service on behalf of all our citizens."

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 127 (Committee Substitute), a bill to make clarifying and procedural changes to the law regarding education for children with special needs.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Redman to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 140 (Committee Substitute), a bill to increase the amount that can be received in benefits from the Lexington Firemen's Supplemental Retirement Fund.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 68 (Senate Committee Substitute), a bill to authorize counties to request an extension of the hours during which regulations of the Wildlife Resources Commission would prohibit the intentional sweeping of an area with lights or the intentional shining of lights on deer.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 288 (Senate Committee Substitute), a bill to authorize cities and counties to provide alternatives for the transportation of involuntarily committed respondents, upon third reading.

The Senate Commitee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 190, an act to allow various towns to increase the tax levy on motor vehicles to a maximum of five dollars. (Ch. 106)

H. B. 213, an act to amend Article 7 of Chapter 90 of the General Statutes relating to the Board of Osteopathic Examination and Registration and to permit higher registration fees. (Ch. 107)

H. B. 256, an act to amend Chapter 89D, concerning landscape contractors. (Ch. 108)

H. B. 296, an act relating to hunting foxes in Onslow County. (Ch. 109)

On motion of Senator Lawing, seconded by Senator Alford, the Senate adjourns to meet tomorrow at 1:30 P.M.

FIFTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, March 29, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend David Huffman, Pastor of Trinity Presbyterian Church, Raleigh, as follows:

"Eternal God, as we pray today for the well-being of all the citizens of this State, we do especially pray for this gathered assembly, for all the men and women elected by the people and sent here to represent their rights and their interests.

"O God we invoke Your presence here today and ask that You embue these Senators with a full measure of wisdom, understanding, and compassion, as they deliberate and take action on the affairs of this State. May they act prudentially in all matters, and may they remain ever mindful of the sacred trust with which they have been entrusted. Prompt them, we pray, to do their duty as they strive to serve not only the interests of their constituents but the dictates of justice, equity, and what is right and good in Your eyes — for all the people of North Carolina.

"We thank you for the freedom and the privilege of self-governance. May we live up to its attendant responsibilities always. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Staton for today.

A leave granted previously to Senator Rauch is noted.

WITHDRAWAL FROM COMMITTEE

S. B. 168, a bill to restrict the use of intangible tax revenue by Henderson County.

On motion of Senator Hardison, the rules are suspended, and the bill is taken from the **Appropriations Committee** and is placed on the Calendar for tomorrow, Wednesday, March 30.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee:**

S. B. 220, a bill to repeal the marketing of farmers stock peanuts act, the North Carolina Meat Grading Law, and an unconstitutional provision of the marketing and branding farm products act, with a favorable report.

S. B. 221, a bill to amend Article 49 of Chapter 106, relating to hatcheries and chick dealers, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Finance Committee.**

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 123, a bill to allow expunction of arrest records in appropriate cases, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted, and placed on the Calendar for Thursday, March 31.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 165, a bill to create the felony offenses of use of a child in a sexual performance and promoting a sexual performance by a child, with a favorable report.

By Senator Rand for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

S. B. 161, a bill to broaden the chief district court judge's authorization to assign magistrates to temporary duty outside their county of residence, with a favorable report.

By Senator Hipps for the **Local Government and Regional Affairs Committee:**

S. B. 176, a bill to make statewide a law that currently applies only in Ashe, Bladen, Brunswick, Caswell, Columbus, Franklin, Granville, Johnston, Pender, Person, Sampson, Vance and Warren Counties and which requires that consent be obtained from the board of county commissioners before land in a county may be condemned or acquired by a unit of local government which is located wholly or primarily outside the county, with a favorable report.

S. B. 201, a bill to amend the restrictions on force account work as applied to the City of Monroe, with a favorable report.

S. B. 214, a bill to repeal obsolete local acts relating to pay of officials of Franklin

County, with a favorable report.

S. B. 233, a bill to provide that Buncombe County shall be governed by a board of commissioners elected together, and shall be under the county-manager plan, with a favorable report.

H. B. 125, a bill to allow the Chapel Hill-Carrboro Board of Education to pay its employees on the last working day of each month, with a favorable report.

H. B. 243, a bill to change the size, terms, and manner of election of the Richmond County Board of Education, subject to referendum, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 243** (Senate Committee Substitute), a bill to change the size, terms, and manner of election of the Richmond County Board of Education, is placed before the Senate for immediate consideration.

On motion of Senator Hipps, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, March 30.

H. B. 357, a bill to authorize the Board of Commissioners of New Hanover County to close roads or easements that have been offered for dedication but never accepted by a public body, with a favorable report.

H. B. 358, a bill to authorize the Board of County Commissioners of New Hanover County and Avery County to name all roads public and private and assign street numbers in unincorporated areas, with a favorable report.

H. B. 365, a bill to permit the City of New Bern to engage in certain community development activities, with a favorable report.

H. B. 369, a bill to provide that permits for pyrotechnic displays within incorporated municipalities in Catawba County shall be granted by the city council instead of the county commissioners, and to provide that the county commissioners may delegate their permit-granting powers relating to pyrotechnic displays and sales of explosives, with a favorable report.

H. B. 397, a bill to eliminate the requirement that the City of Asheville publish all ordinances in full, with a favorable report.

H. B. 399, a bill to provide that the fee for gun permits in Mecklenburg County shall be governed by general law, with a favorable report.

H. B. 424, a bill to increase the maximum fine for violation of Mecklenburg County ordinances, with a favorable report.

H. B. 425, a bill to allow cities and counties to contract for the operation of human relations, community action and manpower development programs, with a favorable report.

H. B. 429, a bill to make a technical correction in a reference to a plat of the county boundary between Tyrrell and Washington Counties, with a favorable report.

H. B. 437, a bill to provide that the filing period for Cabarrus County Board of Education shall be the same as for County officers generally, with a favorable report.

H. B. 441, a bill related to zoning by the City of Rocky Mount, with a favorable report.

H. B. 454, a bill to allow the Town of Troutman to appoint a Town Administrator, with a favorable report.

H. B. 469, a bill to increase the mileage allowance for the Durham County Board of Education, with a favorable report.

H. B. 479, a bill to provide that the City of Reidsville may reduce water rates of senior citizens by one dollar per month, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Edwards of Caldwell:

S. B. 238, a bill to create the Private Protective Services Recovery Fund.
Referred to **Judiciary III Committee.**

By Senator Edwards of Caldwell:

S. B. 239, a bill to abolish the elective office of Mitchell County Accountant so as to allow the County Board of Commissioners to appoint a county finance officer under the general law.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Staton and Harris of Cleveland:

S. B. 240, a bill to amend the Right to a Natural Death Act.
Referred to **Human Resources Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 143 (Committee Substitute), a bill to clarify the definition of day-care plan.
Referred to **Human Resources Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

March 28, 1983

The Honorable James C. Green
Lieutenant Governor
State of North Carolina
Legislative Office Building
Raleigh, North Carolina 27611

Dear Governor Green:

You and the Members of the North Carolina Senate as well as your staff are cordially

invited to the Chamber of the House of Representatives Friday, April 1, 1983, at 10:45 a.m. for a service worship conducted by Dr. Albert G. Edwards.

This will be a brief service and should be completed before the 11:00 convening time for the House on Friday. I would appreciate hearing from you so that the appropriate number of chairs can be placed in the Chamber for the service.

Sincerely yours,
S/ Liston B. Ramsey

The Senate accepts the invitation and the Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 127 (Committee Substitute), a bill to make clarifying and procedural changes to the law regarding education for children with special needs, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

S. B. 182 (Committee Substitute), a bill to amend the North Carolina Parking Facilities Revenue Bond Act, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 206, a joint resolution commemorating the life and memory of Nathan Hunter Yelton. (Res. 7)

H. B. 109 (Senate Committee Substitute), an act to amend the provisions of the wildlife preserve and bird sanctuary in Arrowhead Beach Subdivision, Chowan County. (Ch. 110)

On motion of Senator Lawing, seconded by Senator Harrington, the Senate adjourns to meet tomorrow at 1:30 P.M.

FIFTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, March 30, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Hoyt M. Lock, Pastor of Live Oak Baptist Church, Selma, as follows:

"Our Father, from everlasting to everlasting Thou art God. From the most remote beginning to the most distant end, from Alpha to Omega, Thou art the Lord.

"Thou hast made us, O God, and Thou doth sustain us even at this hour. For this we are truly grateful.

"We thank you, O God, for this day, for each opportunity of this day, and for life itself, and pray the guidance of Thy Holy Spirit upon each one present here today.

"We thank you for our State government and for each one who has a part in it. We thank You for each of these Senators and pray that You will grant thy wisdom to each one.

"Help each Senator present here today to be aware of the authority held and the source of the authority. Help each one to be deeply aware of the responsibility for the office held.

"Give to each one the knowledge needed to carry out each task in a responsible and acceptable way that the people of our State might continue to prosper and enjoy Thy blessings. As we are blessed help each of us to become a blessing.

"Grant Thy continued presence upon this legislative Body that Thy purpose may be accomplished, for Thine is the kingdom, and the power, and the glory, forever. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Staton for today.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

H. B. 336 (Committee Substitute), a bill to regain the State's authority over interest laws, and to make appropriate changes in the State's interest laws, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Edwards of Caldwell, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Edwards of Caldwell, the Senate Committee Substitute bill is

adopted, and on his further motion is placed on the Calendar for today for further consideration.

By Senators Rauch and Duncan for the **Finance Committee:**

S. B. 146 (Committee Substitute), a bill to establish the North Carolina income tax refund checkoff program for the management of nongame and endangered species, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S. B. 152, a bill to prohibit cities from levying a privilege license tax on persons engaged in the business of pest control, with a favorable report.

S. B. 186, a bill to amend the fees charged by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, with a favorable report.

By Senator Soles for the **Judiciary II Committee:**

S. B. 181, a bill to exempt judges and justices of the General Court of Justice from the State Bar membership fees requirement, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 181,** a bill to make judges and justices of the General Court of Justice inactive members of the State Bar, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, April 1.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

H. B. 116 (Committee Substitute), a bill to allow the head of the local law enforcement agency to appoint traffic control officers, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Banres of Wayne, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, April 1.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. J. R. 211, a joint resolution urging the United States Government to refrain from ocean disposal of decommissioned nuclear submarines off the North Carolina coast, with a favorable report.

S. J. R. 215, a joint resolution urging Congress to oppose the sale of any national forest service land in North Carolina, with a favorable report.

By Senator Hancock for the **State Government Committee:**

S. B. 151, a bill to commemorate the date of the adoption of the Halifax Resolves on the Great Seal of North Carolina, with a favorable report.

By Senator Hancock for the **State Government/Election Laws Committee:**

S. B. 126, a bill to amend the Presidential Preference Primary Act to allow choosing of an allocation formula which reflects the division of votes but does not require exact proportional representation, with a favorable report.

S. B. 173, a bill to provide that counties which maintain voter records on electronic data processing equipment provide discs or tapes to State parties on the same schedule as lists to county parties, with a favorable report.

By Senator Hancock for the **State Government/Housing Committee:**

H. B. 274, a bill to authorize the North Carolina Housing Finance Agency to make loans to mortgage lenders, with a favorable report.

On motion of Senator Hancock, the bill is placed on the Calendar for Tuesday, April 5.

H. B. 275, a bill to repeal the requirement for a certificate of convenience and necessity from the Utilities Commission before a housing authority can exercise the power of eminent domain, with a favorable report.

On motion of Senator Hancock, the bill is placed on the Calendar for Tuesday, April 5.

H. J. R. 279, a joint resolution memorializing Congress in opposition to federal termination of low-income housing programs, with a favorable report.

On motion of Senator Hancock, the joint resolution is placed on the Calendar for Tuesday, April 5.

H. J. R. 280, a joint resolution memorializing Congress to pass legislation authorizing tax deductions for money saved for purchase of a home, with a favorable report.

On motion of Senator Hancock, the joint resolution is placed on the Calendar for Tuesday, April 5.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Martin, Edwards of Guilford, and Gray:

S. B. 242, a bill to amend the Greensboro Public School Code.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Plyler and Jordan:

S. B. 243, a bill to appropriate funds for a grant-in-aid for the restoration and renovation of the Old Union County Courthouse.

Referred to **Appropriations Committee.**

By Senators Plyler and Jordan:

S. B. 244, a bill to change the name of the governing body of the Monroe City School Administrative Unit and to repeal the requirement for a referendum on abolition, or merger of the Monroe School Special Tax District.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Marvin:

S. B. 245, a bill to amend administrative provisions of the marine fisheries act to make a technical change.

Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Marvin:

S. B. 246, a bill to amend G. S. Chapter 143, Article 38 so as to eliminate outmoded provisions concerning the State Stream Sanitation Committee and the Board of Water Resources, and an obsolete reference to the sand dune law.

Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Alford:

S. B. 247, a bill to change the employment status of blind persons licensed by the State and working as Randolph-Sheppard vendors under contract with the Department of Human Resources.

Referred to **Pensions and Retirement Committee.**

By Senators Edwards of Guilford, Gray and Martin:

S. B. 248, a bill to amend Chapter 899 of the Session Laws of 1953 relating to investments and monthly benefits under the Greensboro Firemen's Supplemental Retirement System.

Referred to **Pensions and Retirement Committee.**

By Senators Thomas of Henderson and Hipps:

S. B. 249, a bill to appropriate funds for the construction of research facilities at the North Carolina State University Mountain Horticultural Crops Research Station at Fletcher, North Carolina.

Referred to **Appropriations Committee.**

By Senators Thomas of Henderson and Hipps:

S. B. 250, a bill to appropriate funds for the rehabilitation of the buildings of the John C. Campbell Folk School in Brasstown, North Carolina.

Referred to **Appropriations Committee.**

By Senator Jordan:

S. B. 251, a bill to permit county commissioners to adopt substantially equivalent policies for portions of the State Personnel Act for county employees subject to Chapter 126.

Referred to **State Government Committee.**

By Senator Daniels:

S. B. 252, a bill to amend the County Special Assessments Law (G. S. Chapter 153A, Article 9) with respect to small watersheds, drainage programs, and maintenance charges, to authorize county spending and taxes for drainage projects, and to make related changes.

Referred to **Finance Committee.**

By Senators Walker, Barnes of Wayne, Hancock, Jordan, Martin, Plyler, Royall, and Winner:

S. B. 253, a bill to amend Chapter 104D of the General Statutes to enter into the Southern States Energy Compact and to establish the Southern States Energy Board.
Referred to **State Government Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 351 (Committee Substitute), a bill to change the population and size requirement for a County Department of Human Resources.
Referred to **Human Resources Committee.**

H. J. R. 410, a joint resolution memorializing Congress to assure that Federal lands currently designated as United States Forest and Park lands in North Carolina remain in public ownership.
Referred to **Rules and Operation of the Senate Committee.**

H. B. 449, a bill to permit local governments to dispose of property and limit the uses that may be made of the property.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 161, a bill to broaden the chief district court judge's authorization to assign magistrates to temporary duty outside their county of residence.
The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 165, a bill to create the felony offenses of use of a child in a sexual performance and promoting a sexual performance by a child.
Senator Rand offers a motion to recommit the bill to the **Judiciary III Committee** which motion he subsequently withdraws.
Without objection, the President refers the bill to a **Select Committee** to be named, chaired by Senator Warren, with direction to report to the Senate by Wednesday, April 6.

S. B. 168, a bill to restrict the use of intangible tax revenue by Henderson County.
On motion of Senator Thomas of Henderson, Committee Amendment No. 1 is adopted.
The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 176, a bill to make statewide a law that currently applies only in Ashe, Bladen, Brunswick, Caswell, Columbus, Franklin, Granville, Johnston, Pender, Person, Sampson, Vance and Warren Counties and which requires that consent be obtained from the board of county commissioners before land in a county may be condemned or acquired by a unit of local government which is located wholly or primarily outside the county, upon second reading.

Senator Hipps offers Amendment No. 1 which is adopted (electronically recorded).

On motion of Senator Marion, the bill, as amended, is taken from the Calendar for today and ordered engrossed and re-referred to the **Judiciary II Committee.**

S. B. 201, a bill to amend the restrictions on force account work as applied to the City of Monroe.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 214, a bill to repeal obsolete local acts relating to pay of officials of Franklin County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 220, a bill to repeal the marketing of farmers stock peanuts act, the North Carolina Meat Grading Law, and an unconstitutional provision of the marketing and branding farm products act.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 233, a bill to provide that Buncombe County shall be governed by a board of commissioners elected together, and shall be under the county-manager plan.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 125, a bill to allow the Chapel Hill–Carrboro Board of Education to pay its employees on the last working day of each month.

The bill passes its second and third readings and is ordered enrolled.

H. B. 243 (Senate Committee Substitute), a bill to change the size, terms, and manner of election of the Richmond County Board of Education.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 336 (Senate Committee Substitute), a bill to regain the State's authority over interest laws, and to make appropriate changes in the State's interest laws.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Barnes of Forsyth: "My profession is banking. Conflict of interest."

Senator Tison: "Conflict of interest."

Senator White: "Conflict of interest."

Senator Hardison offers Amendment No. 1 which is adopted (electronically recorded).

Senator Redman offers Amendment No. 2 which fails of adoption (electronically recorded).

Senator Edwards of Caldwell calls the previous question, seconded by Senator Swain. The call is sustained (electronically recorded). The Senate Committee Substitute bill, as amended, passes its second reading (electronically recorded) and, without objection, remains before the Senate for further consideration.

Senator Redman offers Amendment No. 3 which fails of adoption (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded).

On motion of Senator Edwards of Caldwell (electronically recorded), the Senate Committee Substitute bill, as amended, is ordered returned to the House of Representatives for concurrence by special messenger without engrossment.

H. B. 357, a bill to authorize the Board of Commissioners of New Hanover County to close roads or easements that have been offered for dedication but never accepted by a public body.

The bill passes its second and third readings and is ordered enrolled.

H. B. 358, a bill to authorize the Board of County Commissioners of New Hanover County and Avery County to name all roads public and private and assign street numbers in unincorporated areas.

On motion of Senator Marion, the bill is recommitted to the **Local Government and Regional Affairs Committee.**

H. B. 365, a bill to permit the City of New Bern to engage in certain community development activites.

The bill passes its second and third readings and is ordered enrolled.

H. B. 369, a bill to provide that permits for pyrotechnic displays within incorporated municipalities in Catawba County shall be granted by the city council instead of the county commissioners, and to provide that the county commissioners may delegate their permit-granting powers relating to pyrotechnic displays and sales of explosives.

The bill passes its second and third readings and is ordered enrolled.

H. B. 397, a bill to eliminate the requirement that the City of Asheville publish all ordinances in full.

The bill passes its second and third readings and is ordered enrolled.

H. B. 399, a bill to provide that the fee for gun permits in Mecklenburg County shall be governed by general law, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Woodard—45.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 424, a bill to increase the maximum fine for violation of Mecklenburg County ordinances.

The bill passes its second and third readings and is ordered enrolled.

H. B. 425, a bill to allow cities and counties to contract for the operation of human relations, community action and manpower development programs.

The bill passes its second and third readings and is ordered enrolled.

H. B. 429, a bill to make a technical correction in a reference to a plat of the county boundary between Tyrrell and Washington Counties.

The bill passes its second and third readings and is ordered enrolled.

H. B. 437, a bill to provide that the filing period for Cabarrus County Board of Education shall be the same as for County offices generally.
The bill passes it second and third readings and is ordered enrolled.

H. B. 441, a bill related to zoning by the City of Rocky Mount.
The bill passes its second and third readings and is ordered enrolled.

H. B. 454, a bill to allow the Town of Troutman to appoint a Town Administrator.
The bill passes its second and third readings and is ordered enrolled.

H. B. 469, a bill to increase the mileage allowance for the Durham County Board of Education.
The bill passes its second and third readings and is ordered enrolled.

H. B. 479, a bill to provide that the City of Reidsville may reduce water rates of senior citizens by one dollar per month.
The bill passes its second and third readings and is ordered enrolled.

APPOINTMENT OF SELECT COMMITTEE

The President of the Senate appoints the following Select Committee to consider **S. B. 165,** a bill to create the felony offenses of use of a child in a sexual performance and promoting a sexual performance by a child, as follows: Senators Warren, Chairman; Allred, Allsbrook, Ballenger, Barnes of Wayne, Davis, Edwards of Guilford, Gray, Hancock, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Kincaid, Martin, Marvin, Rand, Redman, Soles, Staton, Swain, Tally, Tison, Winner, Woodard, and Wright.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 325, an act to amend the weights and measures law concerning scale technicians. (Ch. 111)

On motion of Senator Lawing, seconded by Senator Guy, the Senate adjourns to meet tomorrow at 1:30 P.M.

FIFTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, March 31, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Lord God: We pray today for hope. Sometimes, when we are in the middle of all our

activities, we despair of doing anything right or of getting to the end of it. The days stretch out before us like a line of soldiers marching in eternal formation, and words like fulfillment, completion, and fruition seem to have no meaning for us. Help us to hope, Lord, for the future into which Your Spirit is leading us. Do not let us give up to discouragement, but keep our eyes on the victory that can be ours if we are open to the leading of Your Spirit. Let the new green of this season remind us of new life and new possibilities, moving toward that day when all our hopes and dreams will be realized in Your Kingdom. Amen"

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Harris of Mecklenburg for today and tomorrow, April 1.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee:**

H. B. 407, a bill to require sentence credit when juvenile conditionally released, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

H. B. 314, a bill to permit Pasquotank and Chowan Counties to sell impounded dogs and cats to licensed animal dealers, with a favorable report, as amended.

H. B. 362, a bill to amend G. S. 75A-5 with respect to transfer of motorboat registration, with a favorable report.

On motion of Senator Thomas of Craven, the bill is re-referred to the **Finance Committee.**

H. B. 390, a bill to amend the provisions of the wildlife preserve and bird sanctuary in Cape Colony Subdivision, Chowan County, with a favorable report, as amended.

By Senators Harrington and Thomas of Henderson for the **Ways and Means Committee:**

H. B. 167 (Committee Substitute), a bill to amend Chapter 20 to authorize the Department of Transportation to raise and lower the statutory speed limits on the State highway system within municipalities having a nonfunctioning government, with a favorable report.

H. B. 200, a bill to redefine the required exhaust systems on motor vehicles, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Marvin and Rauch:

S. B. 254, a bill to allow the governing body of Gaston County or its municipalities to contract with banks and other financial institutions for receipt of payment of property taxes.

Referred to **Finance Committee.**

By Senators Parnell, Guy, Johnson, and Winner:

S. B. 255, a bill raising certain fees and taxes collected by the Secretary of State and appropriating funds to the Secretary of State.

Referred to **Finance Committee.**

By Senators Kincaid and Edwards of Caldwell:

S. B. 256, a bill authorizing the qualified voters of the Town of Beech Mountain to determine whether beer and wine may be sold in that Town.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Edwards of Caldwell, Kincaid and Warren:

S. B. 257, a bill to provide funds for a salary increase for noncertified school employees.

Referred to **Appropriations Committee.**

By Senator Harris of Cleveland:

S. J. R. 258, a joint resolution authorizing continuation of the Joint Special Committee to Review the Department of Transportation.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Plyler, Alford, Allred, Barnes of Forsyth, Davis, Duncan, Edwards of Caldwell, Gray, Hancock, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jordan, Kincaid, Martin, Marvin, Parnell, Redman, Royall, Soles, Tally, Thomas of Henderson, Ward, Winner, Woodard, and Wright:

S. B. 259, a bill to amend G. S. 20-7.1 relating to change of address on operator's license.

Referred to **Ways and Means/Transportation Committee.**

By Senator Wright:

S. J. R. 260, a joint resolution designating Wilmington as an international city.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Wright:

S. B. 261, a bill to amend the Charter of the City of Wilmington to clarify the authority of city council to contract with non-city agencies.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Marvin, Gray, Hancock, Hardison, Jordan, Plyler, Royall, Tally, Tison, and Ward:

S. J. R. 262, a joint resolution with respect to the work of the Commission on the Future of North Carolina.

Referred to **Rules and Operation of the Senate Committee.**

MESSAGE OF THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 120 (House Committee Substitute), a bill authorizing the court to order direct payment for fees for appointed counsel, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, Friday, April 1.

H. B. 329, a bill to amend G. S. 115C-41 pertaining to organization of local boards of education.

Referred to **Education Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 123 (Committee Substitute), a bill to allow expunction of arrest records in appropriate cases.

On motion of Senator Allsbrook, consideration of the Committee Substitute bill is postponed until Tuesday, April 5.

S. B. 126, a bill to amend the Presidential Preference Primary Act to allow choosing of an allocation formula which reflects the division of votes but does not require exact proportional representation.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 151, a bill to commemorate the date of the adoption of the Halifax Resolves on the Great Seal of North Carolina.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 152, a bill to prohibit cities from levying a privilege license tax on persons engaged in the business of pest control.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 173, a bill to provide that counties which maintain voter records on electronic data processing equipment provide discs or tapes to State parties on the same schedule as lists to county parties.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 186, a bill to amend the fees charged by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. J. R. 211, a joint resolution urging the United States Government to refrain from ocean disposal of decommissioned nuclear submarines off the North Carolina coast.

The joint resolution passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. J. R. 215, a joint resolution urging Congress to oppose the sale of any national forest service land in North Carolina.

Senator Kincaid offers Amendment No. 1 which fails of adoption (electronically recorded).

The joint resolution passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 399, a bill to provide that the fee for gun permits in Mecklenburg County shall be governed by general law, upon third reading.

Senator Tison offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Royall, Soles, Speed, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Woodard, and Wright—40.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 189, a act to make a technical correction in G. S. 161-22. (Ch. 127)

H. B. 125, an act to allow the Chapel Hill–Carrboro Board of Education to pay its employees on the last working day of each month. (Ch. 112)

H. B. 247 (Committee Substitute), an act to allow certain townships to vote on alcoholic beverages sales and to allow off-premises unfortified wine sales in townships that have voted to permit the sale of mixed beverages. (Ch. 113)

H. B. 336 (Senate Committee Substitute), an act to regain the State's authority over interest laws, and to make appropriate changes in the State's interest laws. (Ch. 126)

H. B. 357, an act to authorize the Board of Commissioners of New Hanover County to close roads or easements that have been offered for dedication but never accepted by a public body. (Ch. 114)

H. B. 365, an act to permit the City of New Bern to engage in certain community development activities. (Ch. 115)

H. B. 369, an act to provide that permits for pyrotechnic displays within incorporated municipalities in Catawba County shall be granted by the city council instead of the county commissioners, and to provide that the county commissioners may delegate their permit-granting powers relating to pyrotechnic displays and sales of explosives. (Ch. 116)

H. B. 397, an act to eliminate the requirement that the City of Asheville publish all ordinances in full. (Ch. 117)

H. B. 424, an act to increase the maximum fine for violation of Mecklenburg County ordinances. (Ch. 118)

H. B. 425, an act to allow cities and counties to contract for the operation of human relations, community action and manpower development programs. (Ch. 119)

H. B. 429, an act to make a technical correction in a reference to a plat of the county boundary between Tyrrell and Washington Counties. (Ch. 120)

H. B. 437, an act to provide that the filing period for Cabarrus County Board of Education shall be the same as for County officers generally. (Ch. 121)

H. B. 441, an act related to zoning by the City of Rocky Mount. (Ch. 122)

H. B. 454, an act to allow the Town of Troutman to appoint a Town Administrator. (Ch. 123)

H. B. 469, an act to increase the mileage allowance for the Durham County Board of Education. (Ch. 124)

H. B. 479, an act to provide that the City of Reidsville may reduce water rates of senior citizens by one dollar per month. (Ch. 125)

On motion of Senator Lawing, seconded by Senator Parnell, the Senate adjourns to meet tomorrow at 10:00 A.M.

FIFTY-EIGHTH DAY

SENATE CHAMBER,
Friday, April 1, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable W. Craig Lawing, President Pro Tempore of the Senate.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Barnes of Wayne and Soles for today and to Senator Redman for Monday, April 4.

A leave of absence granted previously to Senator Harris of Mecklenburg is noted.

April 1, 1983

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Edwards of Caldwell:

S. B. 263, a bill to amend Chapter 53 of the General Statutes of North Carolina relating to banks.
Referred to **Banking Committee.**

By Senators Hancock and Royall:

S. B. 264, a bill to appropriate funds for the American Dance Festival.
Referred to **Appropriations Committee.**

By Senators Hancock, Johnson, Marvin, and Wright:

S. B. 265, a bill to prohibit development pursuant to a CAMA permit while a request for a hearing on that permit is pending.
Referred to **State Government Committee.**

By Senators Hancock, Johnson, Marvin, and Wright:

S. B. 266, a bill to clarify and simplify the Coastal Area Management Act.
Referred to **State Government Committee.**

By Senators Hancock, Johnson, and Marvin:

S. B. 267, a bill to require that local governments apply for major development permits for all development under the Coastal Area Management Act.
Referred to **State Government Committee.**

By Senators Hancock, Johnson, Marvin, and Wright:

S. B. 268, a bill to amend Chapter 143 of the General Statutes, Article 21, Part 8, so as to make flood control projects and all local water-based recreation projects eligible for cost-sharing.
Referred to **State Government Committee.**

By Senators Hancock, Johnson, and Marvin:

S. B. 269, a bill to reform certain administrative procedures of the Environmental Management Commission.
Referred to **State Government Committee.**

By Senators Hancock, Johnson, and Marvin:

S. B. 270, a bill to amend the Well Construction Act, G. S. 87-83 et seq., to provide for civil penalties and criminal penalties.
Referred to **State Government Committee.**

By Senators Hancock, Johnson, and Marvin:

S. B. 271, a bill to amend G. S. 113-229 relating to permits, appeals, and hearings regarding dredging and filling.

Referred to **State Government Committee.**

By Senator Daniels:

S. B. 272, a bill to provide funds to promote the eightieth anniversary of powered flight.
Referred to **Appropriations Committee.**

By Senators Harris of Cleveland and Wright:

S. B. 273, a bill to authorize emergency admissions of juveniles to treatment facilities.
Referred to **Human Resources Committee.**

By Senators Barnes of Forsyth and Martin:

S. B. 274, a bill to establish a statewide lottery in North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Barnes of Forsyth and Martin:

S. B. 275, a bill to establish a statewide lottery in North Carolina after a binding referendum.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Duncan:

S. B. 276, a bill to fairly tax and amend the law relating to the operation of bingo games and raffles.
Senator Duncan requests to withdraw the bill. Without objection, the Chair orders the bill returned to the sponsor.

By Senator Hardison:

S. B. 277, a bill to change the waiting period for retirement refunds in the Local Governmental Employees' Retirement System, Teachers' and State Employees' Retirement System, and Uniform Judicial Retirement System.
Referred to **Pensions and Retirement Committee.**

By Senator Hancock:

S. B. 278, a bill to recodify the public hospital laws in Chapter 131 of the General Statutes.
Referred to **State Government Committee.**

By Senator Johnson, Barnes of Forsyth, Gray, Hancock, Jordan, Martin, Rand, Royall, Soles, Staton, Tally, Walker, Ward, and Woodard:

S. B. 279, a bill to prohibit discrimination in housing.
Referred to **Judiciary II Committee.**

By Senator Rauch:

S. B. 280, a bill to amend and clarify the provisions of law relative to the North Carolina Public Employee Deferred Compensation Plan.
Referred to **Finance Committee.**

By Senator Barnes of Forsyth:

S. B. 281, a bill appropriating funds for archaeological work at the Old Richmond Courthouse site in Forsyth County.
Referred to **Appropriations Committee.**

By Senators Edwards of Guilford, Gray, and Martin:

S. B. 282, a bill relating to motor vehicle traffic at the Greensboro–High Point Airport and for other purposes.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Allred, Ballenger, Davis, Gray, Harrington, Harris of Mecklenburg, Hipps, Hunt, Marion, Redman, Thomas of Craven, Walker, and Wright:

S. B. 283, a bill to prohibit the sale of foreclosure of a tax lien on real property classified under the "homestead exemption."
Referred to **Finance Committee.**

By Senators Daniels, Guy, and Wright:

S. B. 284, a bill to assure that all counties in the coastal area are represented on the Coastal Resources Commission and to decrease the size of the Coastal Resources Advisory Council.
Referred to **State Government Committee.**

By Senators Ward and Barnes of Forsyth:

S. B. 285, a bill relating to removal of unauthorized vehicles from private lots in Forsyth County.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Marvin and Harris of Cleveland:

S. B. 286, a bill to exempt Gaston County from certain procedural requirements on disposal of land as an industrial park.
Referred to **Local Government and Regional Affairs Committee.**

By Senator White:

S. B. 287, a bill to appropriate funds for the 1983 Southern Flue-Cured Tobacco Festival.
Referred to **Appropriations Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 1 (House Committee Substitute), a bill to provide safe roads by requiring mandatory jail terms for grossly aggravated drunken drivers, providing an effective deterrent to reduce the incidence of impaired driving, and clarifying the statutes related to drinking and driving, for concurrence in the House Committee Substitute bill.

Without objection, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Royall moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail (electronically recorded).

The President appoints Senators Barnes of Wayne, Royall, Rand, Marion, Warren, Hipps, and Harrington as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 507, a bill to establish the Buncombe School Fund Commission.

On motion of Senator Swain, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings.

Senator Jordan offers a motion that the vote by which the bill passed its third reading be reconsidered, which motion he subsequently withdraws.

The bill is ordered enrolled.

H. J. R. 646, a joint resolution providing for a Joint Session of the Senate and House of Representatives at 2:00 P.M., Tuesday, April 5, 1983, and providing for consideration at that Session of confirmation of the Governor's appointments to the State Board of Education.

On motion of Senator Lawing, the rules are suspended (electronically recorded), and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 146 (Committee Substitute), a bill to clarify age limits set by various criminal statutes.

Referred to **Judiciary II Committee.**

H. B. 270, a bill to make the minimum housing standards apply to mobile homes.

Referred to **State Government/Housing Committee.**

H. B. 281, a bill to make amendments to the election laws relative to access to the voting enclosure, mailing of notices of cancellation, use of tax supported buildings for voting, and counting of primary ballots.

Referred to **State Government/Election Laws Committee.**

H. B. 439, a bill to provide that as to the City of Gastonia, members of the City Council excused from voting shall not be included in determining the results of a vote on a zoning protest petition.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 483, a bill to allow the Lincoln County Board of Education to pay its ten-month employees on or before the fifteenth day of each month.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 501, a bill to conform the election requirements for the Lincoln County Board of Education to the general election law.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 506, a bill to authorize the City of Shelby to establish, operate and maintain a public market.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 532, a bill to make amendments to the High Point Career Service Law.

Referred to **Local Government and Regional Affairs Committee.**

RECESS

On motion of Senator Lawing, the Senate stands in recess for the purpose of attending a service of worship in the Chamber of the House of Representatives celebrating Easter, to return to the Senate Chamber for the further consideration of business.

The Senate resumes consideration of its regular business.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 120 (House Committee Substitute), an act authorizing the court to order direct payment for fees for appointed counsel, for concurrence in the House Committee Substitute bill.

On motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S. B. 181 (Committee Substitute), an act to make judges and justices of the General Court of Justice inactive members of the State Bar.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 116 (Senate Committee Substitute), an act to allow the head of a local law enforcement agency to appoint traffic control officers.

On motion of Senator Jenkins, the Senate Committee Substitute bill is recommitted to the **Judiciary III Committee.**

H. B. 167, (Committee Substitute), an act to amend Chapter 20 to authorize the Department of Transportation to raise and lower the statutory speed limits on the State highway system within municipalities having a nonfunctioning government.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 200, an act to redefine the required exhaust systems on motor vehicles.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 314, an act to permit Pasquotank and Chowan Counties to sell impounded dogs and cats to licensed animal dealers.

On motion of Senator Harrington, Committee Amendments Nos. 1, 2, and 3 are adopted, and on his further motion the bill is placed on the Calender for Wednesday, April 6.

H. B. 390, a bill to amend the provisions of the wildlife preserve and bird sanctuary in Cape Colony Subdivision, Chowan County.

On motion of Senator Harrington, consideration of the bill is postponed until Wednesday, April 6.

H. B. 407, a bill to require sentence credit when juvenile conditionally released.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 150, an act to provide simplified procedures for disposal by cities, counties, and sanitary districts of personal property with minimal value. (Ch. 130)

S. B. 233, an act to provide that Buncombe County shall be governed by a board of commissioners elected together, and shall be under the county-manager plan. (Ch. 129)

H. B. 243 (Senate Committee Substitute), an act to change the size, terms, and manner of election of the Richmond County Board of Education. (Ch. 128)

On motion of Senator Lawing, seconded by Senator Hunt, the Senate adjourns to meet Monday at 8:00 P.M.

FIFTY-NINTH DAY

SENATE CHAMBER,
Monday, April 4, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we give You thanks for the miracles of this season — a time that speaks to us of deliverance, of salvation of resurrection and hope. We also give You thanks for more recent miracles of resurrection and hope, and pray that once more we may find redemption from the pit. In the strong right arms and sure eyes of young men may we find a parable for our times — of perseverance, of determination, of struggle against seemingly insurmountable odds. May their victory inspire us to victories of our own — victories over injustice, prejudice, greed, pride and all the sins that keep us from being the kind of community of sisters and brothers that you created us to be. Help us to be strong, resolute, dedicated and victorious in our struggle against all who would keep us from reaching Your kingdom. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Harris of Mecklenburg for tonight.

A leave of absence granted previously to Senator Redman is noted.

The President recognizes the following pages serving in the Senate this week: Kim Adams, Raleigh; Scott Averett, Raleigh; Andrew Carson, Raleigh; Mike Connor, Gastonia; Carlton Hicks, Garner; Celeste Jenkins, Concord; Ross Jenkins, Concord; Melissa Jenkins, Concord; Wynette Jenkins, Winston-Salem; Cheryl McCall, Raleigh; Mary Stewart McLamb, Lillington; Joe Mills, Louisburg; Jennie Powell, Raleigh; Marsha Sneed, Knightdale; Tammy Tadlock, New Bern; Tom Thacker, Wadesboro; Robin Upchurch, Dunn; Larry Ward, Morganton; and Sherri Wiggins, Trenton.

RE-REFERRAL

S. B. 284, a bill to assure that all counties in the coastal area are represented on the Coastal Resources Commission and to decrease the size of the Coastal Resources Advisory Council.

Without objection, the Chair orders the bill taken from the **State Government Committee** and re-referred to the **Natural and Economic Resources and Wildlife Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Jenkins for the **Insurance Committee:**

H. B. 57, a bill to amend the law concerning reporting of product liability insurance underwriting experience, with a favorable report.

H. B. 59 (Committee Substitute), a bill to clarify the applicability of the group health insurance continuation and conversion law and to clarify provisions regarding issuance of conversion policies, with a favorable report.

H. B. 123 (Committee Substitute), a bill to amend G. S. 20-309(e) relative to a lapse in insurance coverage on motor vehicles, with a favorable report.

On motion of Senator Jenkins, the Committee Substitute bill is re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hancock:

S. B. 288, a bill to create the criminal offense of unlawfully obtaining funds, etc.
Referred to **Judiciary II Committee.**

By Senator Johnson:

S. B. 289, a bill designating the Office of State Personnel and the State Personnel Commission as the deferral agency for EEOC complaints.
Referred to **State Government Committee.**

By Senator Wright:

S. B. 290, a bill regarding the authority of the City of Wilmington to require a certificate of appropriateness for exterior work to structures in an area designated as an historic district overlay.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Rauch and Tally:

S. B. 291, a bill relating to the prevention of child abuse and neglect and establishing a Children's Trust Fund for that purpose.

Referred to **Education Committee.**

By Senator Kincaid:

S. B. 292, a bill to provide for referenda on the questions of abolishing the Office of Mitchell County Accountant, making the Mitchell County Tax Collector appointive, and changing elections for the Mitchell County Board of Commissioners to at-large.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Plyler:

S. B. 293, a bill to amend the laws governing the Law Enforcement Officers' Benefit and Retirement Fund so as to receive a favorable determination as a qualified trust by the Internal Revenue Service and to then cause a tax sheltering from current income of members' contributions.

Referred to **Pensions and Retirement Committee.**

By Senator Plyler:

S. B. 294, a bill to tax shelter from current income the contributions of members paid to the Uniform Judicial, Solicitorial and Clerks of Superior Court Retirement Systems by conforming State law to the requirements of Section 414(h) of the United States Internal Revenue Code.

Referred to **Pensions and Retirement Committee.**

By Senators Barnes of Forsyth, Allred, Davis, Duncan, Edwards of Caldwell, Guy, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Lawing, Martin, Parnell, Redman, Speed, Swain, Thomas of Craven, Thomas of Henderson, Tison, Ward, Winner, Woodard, and Wright:

S. B. 295, a bill to make dependents of members of the Armed Forces listed as missing in action during the Vietnam era who are admitted to any State institution of higher education eligible for in-state tuition.

Referred to **State Government/Veterans and Military Affairs Committee.**

By Senator White:

S. B. 296, a bill to appropriate funds to the Town of Ayden to display paintings of historical interest.

Referred to **Appropriations Committee.**

By Senator White:

S. B. 297, a bill to appropriate funds to the Town of Grifton to display paintings of historical interest.

Referred to **Appropriations Committee.**

By Senator Hardison:

S. B. 298, a bill to allow issuance of fictitious drivers' licenses and registration plates for alcohol law enforcement agents.
Referred to **Ways and Means/Transportation Committee.**

By Senator Staton:

S. B. 299, a bill to remove retirement age restrictions in the unorganized militia and the North Carolina State Defense Militia.
Referred to **State Government/Veterans and Military Affairs Committee.**

By Senator Staton:

S. B. 300, a bill to revise the procedures for nonjudicial punishment and summary courts-martial in the North Carolina National Guard.
Referred to **State Government/Veterans and Military Affairs Committee.**

By Senator Staton:

S. B. 301, a bill to adopt the use of the current manual for courts-martial.
Referred to **State Government/Veterans and Military Affairs Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 225, a bill to modify the membership of the Coastal Resources Advisory Council.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 331, a bill to change the eligibility for appointment of counsel for indigents for rehearings pursuant to Chapter 122 of the General Statutes.
Referred to **Judiciary II Committee.**

H. B. 432, a bill to clarify a married woman's domicile for tax purposes.
Referred to **Judiciary II Committee.**

H. B. 440, a bill to make technical amendments to the North Carolina Pharmacy Practice Act.
Referred to **Human Resources Committee.**

H. B. 442, a bill to clarify the Board of Law Examiners' authority regarding fingerprints.
Referred to **Judiciary II Committee.**

H. B. 462, a bill to allow Mecklenburg County to include storm drainage repairs and improvements and street lighting as special assessments.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 472, a bill to authorize the disposition of contraband confiscated from prisoners.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 495, a bill exempting from the provisions of Article 12, Chapter 160A, of the General Statutes of North Carolina, the County of Iredell, as to leases or sales of real estate owned by it known as the Lowrance Hospital property and the personal property used for the hospital and medical care purposes.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 529, a bill to allow the personal representative in certain situations to withdraw from joint bank deposits without obtaining a tax waiver from the Secretary of Revenue.

Referred to **Finance Committee.**

H. B. 554, a bill pertaining to insurance and regulation of hazardous waste landfill facilities.

Referred to **Judiciary I Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 120 (House Committee Substitute), an act authorizing the court to order direct payment for fees for appointed counsel. (Ch. 135)

S. B. 131, an act concerning boll weevil eradication. (Ch. 136)

H. B. 68 (Senate Committee Substitute), an act to authorize counties to request an extension of the hours during which regulations of the Wildlife Resources Commission would prohibit the intentional sweeping of an area with lights or the intentional shining of lights on deer. (Ch. 137)

H. B. 167 (Committee Substitute), an act to amend Chapter 20 to authorize the Department of Transportation to raise and lower the statutory speed limits on the State highway system within municipalities having a nonfunctioning government. (Ch. 131)

H. B. 200, an act to redefine the required exhaust systems on motor vehicles. (Ch. 132)

H. B. 288 (Senate Committee Substitute), an act to authorize cities and counties to provide alternatives for the transportation of involuntarily committed respondents. (Ch. 138)

H. B. 407, an act to require sentence credit when juvenile conditionally released. (Ch. 133)

H. B. 507, an act to establish the Buncombe School Fund Commission. (Ch. 134)

H. J. R. 646, a joint resolution providing for a Joint Session of the Senate and House of Representatives at 2:00 P.M., Tuesday, April 5, 1983, and providing for consideration at that Session of confirmation of the Governor's appointments to the State Board of Education. (Res. 8)

On motion of Senator Lawing, seconded by Senator Edwards of Caldwell, the Senate adjourns to meet tomorrow at 1:45 P.M., with hope that the North Carolina State University Baketball Team will be victorious in the National Collegiate Athletic Association finals tonight.

SIXTIETH DAY

SENATE CHAMBER,
Tuesday, April 5, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, Your ways are unsearchable and Your mysteries too mysterious for our feeble minds. Have mercy on the women and men of this Senate as they seek to find Your way in the maze of conflicting claims that confront them each day. It is easy for us who are not called upon to make such decisions to ignore the complexities of situations, and to deride the art of compromise. When we as citizens do not give our representatives the support they need and deserve, we pray that You will forgive our callousness and our short-sightedness, and enable us to see that in the last resort we will have no better laws than we deserve, and that those who legislate need our prayers, our support, our encouragement, even at times our forgiveness as they seek to rise above frail humanity in the pursuit of justice and equality. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Marion for today and to Senators Alford and Harrington for Thursday, April 7.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
April 5, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to HOUSE JOINT RESOLUTION 646, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT 2:00 P.M., TUESDAY, APRIL 5, 1983, AND PROVIDING FOR CONSIDERATION AT THAT SESSION OF CONFIRMATION OF THE GOVERNOR'S APPOINTMENTS TO THE STATE BOARD OF EDUCATION, the House of Representatives stands ready to receive the Senate in Joint Session at 2:00 P.M.

Respectfully,
GRACE A. COLLINS
Principal Clerk

The President orders a Special Message be sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House pursuant to H. J. R. 646, a joint resolution providing for a Joint Session of the Senate and House of Representatives at 2:00 P.M., Tuesday, April 5, 1983, and providing

for consideration at that Session of confirmation of the Governor's appointments to the State Board of Education, fixing the time and place to meet in Joint Session for the purpose of confirming appointments of the Governor to membership on the State Board of Education.

On motion of Senator Lawing, in accordance with H. J. R. 646, the Senate recesses to repair to the Hall of the House of Representatives there to sit in Joint Session, and on his further motion upon dissolution of the Joint Session to return to the Senate Chamber for the further consideration of business.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing, and the Joint Session is called to order by Lieutenant Governor James C. Green, President of the Senate.

The Clerk of the Senate calls the roll of the Senate and the following members answer the call:

Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—48.

The Clerk of the House of Representatives calls the roll of the House of Representatives and the following members answer the call: Speaker Ramsey, Representatives Adams, Allran, Auman, Ballance, Barbee, Barker, Barnes, Beall, Beam, Beard, Berry, Black, Blue, Brannan, Brawley, Brennan, Brown, Brubaker, Bumgardner, Burnley, Chapin, Childress, Church, Coble, Cochrane, Colton, Cook, J. W. Crawford, N. J. Crawford, Creecy, DeVane, Diamont, Easterling, Economos, Edwards, Enloe, Bob Etheridge, Bruce Ethridge, Evans, Fenner, Foster, Fulcher, Fussell, Gentry, Gillam, Gist, Greenwood, Grimsley, Hackney, Hasty, Hauser, Hayden, Helms, Hightower, Holmes, Holt, Hudson, C. Hughes, J. Hughes, Hunt, Hunter, Huskins, James, Jarrell, Jeralds, Jones, Jordan, Keesee, Kennedy, Lacey, Lambeth, Lee, Ligon, Lilley, Locks, Lutz, McAlister, McDowell, Matthews, Mauney, Mavretic, Nash, Nesbitt, Owens, Payne, Pool, Poovey, Pulley, Quinn, Rabon, Redding, Rhodes, Roberts, Robinson, Seymour, Slaughter, Spaulding, Spoon, Stamey, Tennille, Thomas, Tyndall, Tyson, Varner, Warren, Watkins, Wicker, Womble, B. Woodard, C. Woodard, and Wright—112.

A quorum of each House being declared present, the Joint Session proceeds with the business of confirming the Governor's appointments to the State Board of Education.

The President of the Senate directs the Reading Clerk of the Senate to read the following messages from the Governor:

State of North Carolina
Office of the Governor
March 7, 1983

The Honorable James C. Green
Lt. Governor of North Carolina
North Carolina General Assembly
Legislative Office Building
Raleigh, North Carolina 27611

Dear Lt. Governor:

Pursuant to the provisions of North Carolina General Statute Section 115-2, I submit herewith to the General Assembly the persons listed below whom I have recommended as members of the State Board of Education:

1. Norma Turnage, representing Education District 3, to be reappointed to a term expiring April 1, 1991.
2. C. D. Spangler, Jr., representing Education District 6, to be reappointed to a term expiring April 1, 1991.
3. Mebane Pritchett to be appointed to an at large position to a term expiring April 1, 1985.

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

State of North Carolina
Office of the Governor
March 7, 1983

The Honorable Liston Ramsey
Speaker of the House
North Carolina General Assembly
Legislative Building
Raleigh, North Carolina 27611

Dear Mr. Speaker:

Pursuant to the provisions of North Carolina General Statute Section 115-2, I submit herewith to the General Assembly the persons listed below whom I have recommended as members of the State Board of Education:

1. Norma Turnage, representing Education District 3, to be reappointed to a term expiring April 1, 1991.
2. C. D. Spangler, Jr., representing Education District 6, to be reappointed to a term expiring April 1, 1991.
3. Mebane Pritchett to be appointed to an at large position to a term expiring April 1, 1985.

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

Senator Speed, Chairman of the Senate **Education Committee,** submits the following report:

April 5, 1983

The Honorable James C. Green
Lieutenant Governor of North Carolina
State Legislative Building
Raleigh, North Carolina

Dear Mr. President:

In compliance with the provisions of North Carolina General Statute 115C-10 that nominees to fill positions on the State Board of Education shall be subject to confirmation by the General Assembly in Joint Session, Governor Hunt has submitted for confirmation by the General Assembly the following names:

1. Mr. Mebane Pritchett to be appointed to an at large position to a term expiring April 1, 1985.
2. Mrs. Norma Turnage, representing Education District 3, to be reappointed to a term expiring April 1, 1991.
3. Mr. C. D. Spangler, Jr., representing Education District 6, to be reappointed to a term expiring April 1, 1991.

Pursuant to HJR 646, the Senate Committee on Education has considered the nominees and makes the following recommendation to this Joint Session:

That the nominations of Mr. Mebane Pritchett, Mrs. Norma Turnage and Mr. C. D. Spangler, Jr., be confirmed.

Repectfully submitted.

S/ JAMES D. SPEED,
Chairman,
Senate Committee on Education

Representative Foster, Chairman of the House **Education Committee,** submits the following report:

The Honorable Liston B. Ramsey
Speaker of the House of Representatives
Raleigh, North Carolina 27611

Dear Mr. Speaker:

In compliance with the provisions of North Carolina General Statute 115C-10 that nominees to fill positions on the State Board of Education shall be subject to confirmation by the General Assembly in Joint Session, Governor Hunt has submitted for confirmation by the General Assembly the following names:

1. Norma Turnage, representing Education District 3, to be reappointed to a term expiring April 1, 1991.
2. C. D. Spangler, Jr., representing Education District 6, to be reappointed to a term expiring April 1, 1991.

3. Mebane Pritchett to be appointed to an at large position to a term expiring April 1, 1985.

Pursuant to **HJR 646,** the House Committee on Education has considered the nominees and makes the following recommendation to this Joint Session:

That the nominations of Norma Turnage, C. D. Spangler, Jr., Mebane Pritchett be confirmed.

Respectfully submitted.

S/ Jo Graham Foster,
Chairman,
House Committee on Education

Senator Speed moves that the Senate do confirm the re-appointment of Mrs. Norma Turnage as a member of the State Board of Education. Representative Foster moves that the House of Representatives do confirm the re-appointment of Mrs. Norma Turnage as a member of the State Board of Education.

The President of the Senate orders that the roll of the Senate shall be called and thereafter the roll of the House of Representatives, after which the results of the vote of each Body shall be announced on each vote.

The motions to confirm the re-appointment of Mrs. Norma Turnage as a member of the State Board of Education prevail by the following roll-call votes:

Senate — ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—48.

Voting in the negative: None.

House of Representatives — ayes 114, noes 0, as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Adams, Allran, Auman, Ballance, Barbee, Barker, Barnes, Beall, Beam, Beard, Berry, Black, Blue, Brannan, Brawley, Brennan, Brown, Brubaker, Bumgardner, Burnley, Chapin, Childress, Church, Coble, Cochrane, Colton, Cook, J. W. Crawford, N. J. Crawford, Creecy, DeVane, Diamont, Easterling, Economos, Edwards, Enloe, Bob Etheridge, Bruce Ethridge, Evans, Fenner, Fletcher, Foster, Fulcher, Fussell, Gentry, Gillam, Gist, Greenwood, Grimsley, Hackney, Hasty, Hauser, Hayden, Helms, Hightower, Holmes, Holt, Hudson, C. Hughes, J. Hughes, Hunt, Hunter, Huskins, James, Jarrell, Jeralds, Jones, Jordan, Keesee, Kennedy, Lacey, Lambeth, Lancaster, Lee, Ligon, Lilley, Locks, Lutz, McAlister, McDowell, Matthews, Mauney, Mavretic, Nash, Nesbitt, Owens, Payne, Pool, Poovey, Pulley, Quinn, Rabon, Redding, Rhodes, Roberts, Robinson, Seymour, Slaughter, Spaulding, Spoon, Stamey, Tennille, Thomas, Tyndall, Tyson, Varner, Warren, Watkins, Wicker, Womble, B. Woodard, C. Woodard, and Wright—114.

Voting in the negative: None.

April 5, 1983

Having received a majority of votes of both Houses, the reappointment of Mrs. Norma Turnage as a member of the State Board of Education is confirmed.

Senator Speed moves that the Senate do confirm the re-appointment of C. D. Spangler, Jr., as a member of the State Board of Education. Representative Foster moves that the House of Representatives do confirm the re-appointment of C. D. Spangler, Jr., as a member of the State Board of Education.

The motions to confirm the re-appointment of C. D. Spangler, Jr., as a member of the State Board of Education prevail by the following roll-call votes:

Senate — ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—48.

Voting in the negative: None.

House of Representatives — ayes 115, noes 0, as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Adams, Allran, Auman, Ballance, Barbee, Barker, Barnes, Beall, Beam, Beard, Berry, Black, Blue, Brannan, Brawley, Brennan, Brown, Brubaker, Bumgardner, Burnley, Chapin, Childress, Church, Coble, Cochrane, Colton, Cook, J. W. Crawford, N. J. Crawford, Creecy, DeVane, Diamont, Easterling, Economos, Edwards, Enloe, Bob Etheridge, Bruce Ethridge, Evans, Fenner, Fletcher, Foster, Fulcher, Fussell, Gentry, Gillam, Gist, Greenwood, Grimsley, Hackney, Hasty, Hauser, Hayden, Helms, Hightower, Holmes, Holt, Hudson, C. Hughes, J. Hughes, Hunt, Hunter, Huskins, James, Jarrell, Jeralds, Jones, Jordan, Keesee, Kennedy, Lacey, Lambeth, Lancaster, Lee, Ligon, Lilley, Locks, Lutz, McAlister, McDowell, Matthews, Mauney, Mavretic, Musselwhite, Nash, Nesbitt, Owens, Payne, Pool, Poovey, Pulley, Quinn, Rabon, Redding, Rhodes, Roberts, Robinson, Seymour, Slaughter, Spaulding, Spoon, Stamey, Tennille, Thomas, Tyndall, Tyson, Varner, Warren, Watkins, Wicker, Womble, B. Woodard, C. Woodard, and Wright—115.

Voting in the negative: None.

Having received a majority of votes of both Houses, the reappointment of C. D. Spangler, Jr., as a member of the State Board of Education is confirmed.

Senator Speed moves that the Senate do confirm the appointment of Mebane Pritchett as a member at large of the State Board of Education. Representative Foster moves that the House of Representatives do confirm the appointment of Mebane Pritchett as a member at large of the State Board of Education.

The motions to confirm the appointment of Mebane Pritchett as a member at large of the State Board of Education prevail by the following roll-call votes:

Senate — ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell,

Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—48.

Voting in the negative: None.

House of Representatives — ayes 115, noes 0, as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Adams, Allran, Auman, Ballance, Barbee, Barker, Barnes, Beall, Beam, Beard, Berry, Black, Blue, Brannan, Brawley, Brennan, Brown, Brubaker, Bumgardner, Burnley, Chapin, Childress, Church, Coble, Cochrane, Colton, Cook, J. W. Crawford, N. J. Crawford, Creecy, DeVane, Diamont, Easterling, Economos, Edwards, Enloe, Bob Etheridge, Bruce Etheridge, Evans, Fenner, Fletcher, Foster, Fulcher, Fussell, Gentry, Gillam, Gist, Greenwood, Grimsley, Hackney, Hasty, Hauser, Hayden, Helms, Hightower, Holmes, Holt, Hudson, C. Hughes, J. Hughes, Hunt, Hunter, Huskins, James, Jarrell, Jeralds, Jones, Jordan, Keesee, Kennedy, Lacey, Lambeth, Lancaster, Lee, Ligon, Lilley, Locks, Lutz, McAlister, McDowell, Matthews, Mauney, Mavretic, Musselwhite, Nash, Nesbitt, Owens, Payne, Pool, Poovey, Pulley, Quinn, Rabon, Redding, Rhodes, Roberts, Robinson, Seymour, Slaughter, Spaulding, Spoon, Stamey, Tennille, Thomas, Tyndall, Tyson, Varner, Warren, Watkins, Wicker, Womble, B. Woodard, C. Woodard, and Wright—115.

Voting in the negative: None.

Having received a majority of votes of both Houses, the appointment of Mr. Mebane Pritchett as a member-at-large of the State Board of Education is confirmed.

It is ordered by the President of the Senate that the Governor be notified of the action of the General Assembly sitting in Joint Session upon the confirmations of the appointments of Mrs. Norma Turnage, Mr. C. D. Spangler, Jr., and Mr. Mebane Pritchett, as members of the State Board of Education.

On motion of Senator Lawing, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate returns to its Chamber.

The Senate resumes consideration of its regular business.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes of Wayne for the **Judiciary III Committee:**

H. B. 66, a bill to revise and simplify G. S. 8-57 regarding the testimony of spouses in criminal actions, with a favorable report, as amended.

By Senator Rand for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

S. B. 224, a bill to redefine the terms "detection of deception examiner" as used in the Private Protective Services Act, with a favorable report, as amended.

H. B. 152 (Committee Substitute), a bill to permit transfer of prisoners among counties, with a favorable report, as amended.

H. B. 195, a bill to clarify the Department of Correction's rule-making procedures, with a favorable report.

H. B. 233 (Committee Substitute), a bill to authorize the delegation of a magistrate as administrative magistrate, with a favorable report.

H. B. 335, a bill to establish minimum in-service training standards, with a favorable report, as amended.

By Senator Hipps for the **Local Government and Regional Affairs Committee:**

S. B. 239, a bill to abolish the elective office of Mitchell County Accountant so as to allow the County Board of Commissioners to appoint a county finance officer under the general law, with a favorable report.

S. B. 242, a bill to amend the Greensboro Public School Code, with a favorable report.

H. B. 304, a bill to require consent of the Union County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County, with a favorable report.

H. B. 379, a bill to provide that the sheriff issue Bertie County weapon permits, with a favorable report.

H. B. 405, a bill to authorize the City of Monroe to convey to the United States or any agency thereof with or without monetary consideration, or to exchange with the United States or United States Postal Service or any agency thereof for other real and/or personal property certain real property owned by the City of Monroe, with a favorable report.

H. B. 418, a bill to authorize the County of Caswell to convey a parcel of land at private sale to the Cherokee Council of the Boy Scouts of America, Inc., with a favorable report.

H. B. 423, a bill to add a speed restriction for subdivision streets, with a favorable report.

H. B. 467, a bill to define the corporate limits of the Town of East Bend in Yadkin County, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Johnson, Staton, and Woodard:

S. B. 302, a bill to appropriate funds for the completion of historical research on Haywood Hall, Raleigh.
Referred to **Appropriations Committee.**

Senator Davis moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Davis, Childers, Lawing, and Staton:

S. J. R. 311, a joint resolution memorializing Congress to name the next three United States Bomber Squadrons after members of North Carolina State's basketball team.

On motion of Senator Davis, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

Senator Redman offers Amendment No. 1, changing the title to read, **S. J. R. 311,** a joint resolution memorializing Congress to name the next four United States Bomber Squadrons after members of North Carolina State's basketball team, which is adopted (electronically recorded).

On motion of Senator Rauch, consideration of the joint resolution, as amended, is postponed until tomorrow, April 6.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 427, a bill to modify the conditions of an assessment on yam producers which may be authorized in a producers' referendum.

Referred to **Agriculture Committee.**

H. B. 487, a bill pertaining to notification of change of address by holders of motor vehicle learners' permits and special identification cards.

Referred to **Ways and Means/Transportation Committee.**

H. B. 512, a bill relating to use of lists of licensed drivers for jury duty, and the number of names on the jury list.

Referred to **Judiciary I Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 123 (Committee Substitute), a bill to allow expunction of arrest records in appropriate cases.

On motion of Senator Swain, consideration of the Committee Substitute bill is postponed until Thursday, April 7.

H. B. 57, a bill to amend the law concerning reporting of product liability insurance underwriting experience.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 59 (Committee Substitute), a bill to clarify the applicability of the group health insurance continuation and conversion law and to clarify provisions regarding issuance of conversion policies.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 274, a bill to authorize the North Carolina Housing Finance Agency to make loans to mortgage lenders.

The bill passes its second reading (electronically recorded).

On objection of Senator Duncan to its third reading, the bill remains on the Calendar for further consideration.

H. B. 275, a bill to repeal the requirement for a certificate of convenience and necessity from the Utilities Commission before a housing authority can exercise the power of eminent domain.

The bill passes its second reading (electronically recorded).

On objection of Senator Duncan to its third reading, the bill remains on the Calendar for further consideration.

H. J. R. 279, a joint resolution memorializing Congress in opposition to federal termination of low-income housing programs.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. J. R. 280, a joint resolution memorializing Congress to pass legislation authorizing tax deductions for money saved for purchase of a home.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 84, an act to provide that funds from the North Carolina Election Campaign Fund shall be distributed to political parties on a pro rata basis according to party voter registration. (Ch. 139)

S. B. 202, an act to revise the license fees for hunting, trapping, fishing and dealing in furs. (Ch. 140)

On motion of Senator Lawing, seconded by Senator Tison, the Senate adjourns in honor of the North Carolina State University basketball team and their coach, Jim Valvano, upon winning the National Collegiate Athletic Association Championship, to meet tomorrow at 1:30 P.M.

SIXTY-FIRST DAY

SENATE CHAMBER,
Wednesday, April 6, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Jacqueline Schmitt, Episcopal Chaplain, North Carolina State University as follows:

"O God, the fountain of wisdom, Whose will is good and gracious, and Whose law is truth; we beseech You so to guide and bless our Senators in the State of North Carolina here assembled, that they may enact such laws as shall please You, to the glory of Your

Name and the welfare of this people. We remember before You all poor and neglected persons whom it would be easy for us to forget; the homeless and the destitute, the old and the sick, and all who have none to care for them. Help us to heal those who are broken in body or spirit, and to turn their sorrow into joy. Look with pity, O gracious God, upon the people in this State who live with injustice, terror, disease, and death as their constant companions. Have mercy upon us. Help us to eliminate our cruelty to these our neighbors. Strengthen those who spend their lives establishing equal protection of the law and equal opportunities for all. And grant that every one of us may enjoy a fair portion of the riches of this land. All this we ask for Your mercy's sake. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Select Committee on S. B. 165:**

S. B. 165, a bill to create the felony offenses of use of a child in a sexual performance and promoting a sexual performance by a child.

Senaor Warren respectfully requests an extension of time to submit the recommendation of the Committee.

Without objection, the request is granted.

By Senators Duncan and Rauch for the **Finance Committee:**

S. B. 221, a bill to amend Article 49 of Chapter 106, relating to hatcheries and chick dealers, with a favorable report.

S. B. 252, a bill to amend the County Special Assessments Law (G. S. Chapter 153A, Article 9) with respect to small watersheds, drainage programs, and maintenance charges, to authorize county spending and taxes for drainage projects, and to make related changes, with a favorable report.

H. B. 14 (Committee Substitute), a bill to conform State law on legislator's income tax deductions for business expenses to federal law, with a favorable report.

H. B. 151 (Committee Substitute), a bill to amend the statutes relating to public accountants, with a favorable report.

H. B. 187, a bill to clarify the exemption of out-of-state sales of printed materials from taxation, with a favorable report.

H. B. 428, a bill to permit all incorporated cities and towns to levy auto taxes of not more than five dollars, with a favorable report.

By Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 196, a bill to approve the Southeast Interstate Low-Level Radioactive Waste Management Compact, with a favorable report, as amended.

S. B. 273, a bill to authorize emergency admissions of juveniles to treatment facilities, with a favorable report.

By Senator Hipps for the **Local Government and Regional Affairs Committee:**

H. B. 400, a bill to restrict the United States Government's ability to force Mecklenburg County to house federal prisoners in the Mecklenburg County Jail without adequate financial compensation and space consideration, with a favorable report, as amended.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

S. B. 245, a bill to amend administrative provisions of the marine fisheries act to make a technical change, with a favorable report.

S. B. 246, a bill to amend G. S. Chapter 143, Article 38 so as to eliminate outmoded provisions concerning the State Stream Sanitation Committee and the Board of Water Resources, and an obsolete reference to the sand dune law, with a favorable report.

H. B. 221, a bill to allow the Coastal Resources Commission to issue general permits under the Coastal Area Management Act and under the dredge and fill law, with a favorable report.

H. B. 229, a bill to decrease the time allotted for the consideration of permits under the Coastal Area Management Act, with a favorable report.

H. B. 231, a bill to provide for the issuance of special emergency permits under the Coastal Area Management Act, with a favorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 1
(House Committee Substitute)

HOUSE OF REPRESENTATIVES
April 5, 1983

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute for Senate Committee #2 for **S. B. 1,** A BILL TO BE ENTITLED AN ACT TO PROVIDE SAFE ROADS BY REQUIRING MANDATORY JAIL TERMS FOR GROSSLY AGGRAVATED DRUNKEN DRIVERS, PROVIDING AN EFFECTIVE DETERRENT TO REDUCE THE INCIDENCE OF IMPAIRED DRIVING, AND CLARIFYING THE STATUTES RELATED TO DRINKING AND DRIVING, the Speaker has appointed as conferees on the part of the House, Representatives Lancaster, Chairman, Adams, Vice-Chairman, Evans, Hunter, Miller, Quinn and Watkins to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Kincaid and Edwards of Caldwell:

S. B. 303, a bill to incorporate the Town of Salem in Burke County.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Johnson:

S. B. 304, a bill to allow cities and counties to participate in the State telephone network.
Referred to **Public Utilities and Energy Committee.**

By Senator Guy:

S. B. 305, a bill to appropriate funds for the construction of a boat ramp at West Onslow Beach.
Referred to **Appropriations Committee.**

By Senators Tison and Wright:

S. B. 306, a bill to permit consular or diplomatic plates to be issued to accredited persons without regard to their country of nationality.
Referred to **Ways and Means/Transportation Committee.**

Senator Tison moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Tison:

S. B. 307, a bill to amend the statute providing an annual fee for emergency planning for each fixed nuclear facility within the State of North Carolina to include such fee for any facility with a Plume Exposure Pathway Emergency Planning Zone which extends into this State.
Referred to **Public Utilities and Energy Committee.**

Senator Tison moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Tison, Edwards of Caldwell, and Kincaid:

S. B. 308, a bill to establish a North Carolina Energy Development Authority.
Referred to **Public Utilities and Energy Committee.**

Senator Tison moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Tison and Wright:

S. B. 309, a bill to define law enforcement officer as found in G. S. 143-166.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

By Senator Harrington:

S. B. 310, a bill to revise the Charter of the Town of Jackson.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Jenkins, Childers, Davis, Harris of Mecklenburg, Lawing, and Tison:

S. B. 312, a bill to incorporate the City of Kannapolis subject to a vote of the people and to create a commission to develop its Charter.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Royall and Hancock:

S. B. 313, a bill to appropriate funds for the rehabilitation of St. Joseph's A.M.E. Church in Durham, North Carolina.
Referred to **Appropriations Committee.**

By Senators Soles and Lawing:

S. B. 314, a bill to support North Carolina's Fourth of July celebration.
Referred to **Appropriations Committee.**

By Senators Rand, Hipps, Winner, and Wright:

S. B. 315, a bill regarding inspections of fire-damaged property with an inspection warrant.
Referred to **Judiciary III Committee.**

By Senators Rand, Hipps, Winner, and Wright:

S. B. 316, a bill to include felonious breaking and entering within the felony murder rule.
Referred to **Judiciary III Committee.**

By Senators Rand, Hipps, Winner, and Wright:

S. B. 317, a bill to specifically include money used in drug dealing as property subject to forfeiture under the Controlled Substances Act.
Referred to **Judiciary III Committee.**

By Senators Rand, Hipps, Winner, and Wright:

S. B. 318, a bill to increase the punishment for child abuse so it more accurately reflects the seriousness of the crime and to make any serious physical injury inflicted on the child sufficient for conviction.
Referred to **Judiciary III Committee;**

By Senators Rand, Hipps, and Wright:

S. B. 319, a bill to make larceny pursuant to a felonious breaking or entering of a car, airplane, etc, a felony regardless of the value of the property taken.
Referred to **Judiciary III Committee.**

By Senators Rand, Hipps, and Winner:

S. B. 320, a bill to allow the State to take a voluntary dismissal with leave when a defendant is found incapable of proceeding.
Referred to **Judiciary III Committee.**

By Senators Rand, Hipps, and Wright:

S. B. 321, a bill to make the punishment for conviction of conspiracy to commit murder a Class D felony and to make appropriate punishment classifications for conspiracies to commit other felonies.

Referred to **Judiciary III Committee.**

By Senator Duncan:

S. B. 322, a bill to rewrite the Charter of the Town of Stoneville.

Referred to **Local Government and Regional Affairs Committee.**

Senator Davis moves that the rules be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Davis, Tally, Warren, and Woodard:

S. J. R. 326, a joint resolution honoring the 1982-1983 North Carolina State University Mens Varsity Basketball Team for having won the 1983 National Collegiate Athletic Association Division I Mens Basketball Championship.

Referred to **Rules and Operation of the Senate Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 118, a bill to allow State and local governments and public authorities to deposit public moneys at interest in any savings and loan association in the State, and to designate as official depositories one or more savings and loan associations in this State, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, April 7.

H. B. 201, a bill to require a majority of landowners for the creation of a rural fire protection district.

Referred to **State Government/Election Laws Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 224, a bill to redefine the terms "detection of deception examiner" as used in the Private Protective Services Act.

On motion of Senator Edwards of Caldwell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 239, a bill to abolish the elective office of Mitchell County Accountant so as to allow the County Board of Commissioners to appoint a county finance officer under the general law.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

Senator Kincaid requests to be recorded voting "no."

S. B. 242, a bill to amend the Greensboro Public School Code.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 311, a joint resolution memorializing Congress to name the next three United States Bomber Squadrons after members of North Carolina State's basketball team.

On motion of Senator Davis, the joint resolution is referred to the **Rules and Operation of the Senate Committee.**

H. B. 66, a bill to revise and simplify G. S. 8-57 regarding the testimony of spouses in criminal actions.

On motion of Senator Edwards of Caldwell, Committee Amendment No. 1 is adopted.

Senator Winner offers Amendment No. 2 which is ruled out of order.

Senator Winner moves that the vote by which Committee Amendment No. 1 was adopted be reconsidered, which motion fails to prevail (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Allsbrook to its third reading, the bill, as amended, remains on the Calendar for further consideration.

H. B. 152 (Committee Substitute), a bill to permit transfer of prisoners among counties.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 195, a bill to clarify the Department of Correction's rule-making procedures.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 233 (Committee Substitute), a bill to authorize the delegation of a magistrate as administrative magistrate.

Senator Swain, seconded by Senator Harris of Cleveland, offers a motion that the Committee Substitute bill do lie upon the table, which motion prevails (electronically recorded). The Committee Substitute bill lies upon the table.

H. B. 274, a bill to authorize the North Carolina Housing Finance Agency to make loans to mortgage lenders, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 275, a bill to repeal the requirement for a certificate of convenience and necessity from the Utilities Commission before a housing authority can exercise the power of eminent domain, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 304, a bill to require consent of the Union County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 314, a bill to permit Pasquotank and Chowan Counties to sell impounded dogs and cats to licensed animal dealers, as amended.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1, 2, and 3.

H. B. 335, a bill to establish minimum in-service training standards.

On motion of Senator Royall, Committee Amendment No. 1 is adopted.

Senator Harris of Cleveland, seconded by Senator Harrington, offers a motion that the bill, as amended, do lie upon the table, which motion fails to prevail (electronically recorded).

Senator Martin offers a motion to recommit the bill, as amended, to committee for further study, which motion he subsequently withdraws.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill, as amended, remains on the Calendar for further consideration.

H. B. 379, a bill to provide that the sheriff issue Bertie County weapon permits.

The bill passes its second and third readings and is ordered enrolled.

H. B. 390, a bill to amend the provisions of the wildlife preserve and bird sanctuary in Cape Colony Subdivision, Chowan County.

On motion of Senator Thomas of Craven, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H. B. 390,** a bill to establish a wildlife preserve and bird sanctuary in Cape Colony Subdivision, Chowan County.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 405, a bill to authorize the City of Monroe to convey to the United States or any agency thereof with or without monetary consideration, or to exchange with the United States or United States Postal Service or any agency thereof for other real and/or personal property certain real property owned by the City of Monroe.

The bill passes its second and third readings and is ordered enrolled.

H. B. 418, a bill to authorize the County of Caswell to convey a parcel of land at private sale to the Cherokee Council of the Boy Scouts of America, Inc.

The bill passes its second and third readings and is ordered enrolled.

H. B. 423, a bill to add a speed restriction for subdivision streets.

The bill passes its second and third readings and is ordered enrolled.

H. B. 467, a bill to define the corporate limits of the Town of East Bend in Yadkin County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, Winner, Woodard, and Wright—49.

Voting in the negative: None.

The bill remains on the Calendar for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

April 6, 1983

S. B. 13 (Committee Substitute), an act to subject nursing home beds in hospitals to the Nursing Home Patients Bill of Rights. (Ch. 143)

S. B. 119, an act to amend Chapter 54B of the General Statutes of North Carolina relating to saving and loan associations. (Ch. 144)

H. B. 57, an act to amend the law concerning reporting of product liability insurance underwriting experience. (Ch. 141)

H. B. 59 (Committee Substitute), an act to clarify the applicability of the group health insurance continuation and conversion law and to clarify provisions regarding issuance of conversion policies. (Ch. 142)

H. J. R. 279, a joint resolution memorializing Congress in opposition to federal termination of low-income housing programs. (Res. 9)

H. J. R. 280, a joint resolution memorializing Congress to pass legislation authorizing tax deductions for money saved for purchase of a home. (Res. 10)

H. B. 399, an act to provide that the fee for gun permits in Mecklenburg County shall be governed by general law. (Ch. 145)

On motion of Senator Lawing, seconded by Senator Winner, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTY-SECOND DAY

SENATE CHAMBER,
Thursday, April 7, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable Rachel G. Gray, Senator from Guilford County.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Duncan for today and to Senator Kincaid for tomorrow, April 8.

Leaves of absence granted previously to Senators Alford and Harrington are noted.

APPOINTMENTS BY THE GOVERNOR

State of North Carolina
Office of the Governor
Raleigh, 27611

The Honorable James C. Green
Lieutenant Governor
North Carolina General Assembly
Raleigh, North Carolina 27611

April 7, 1983

March 31, 1983

Dear Jimmy:

Pursuant to G. S. 106-2, I am submitting to the North Carolina Senate the following names for confirmation as my appointments to the North Carolina Board of Agriculture:

1. Sam McLawhorn of Pitt County reappointed for a term, expiring April 4, 1989.
2. J. L. Parker, Jr. (Piggy) of Bertie County reappointed for a term expiring April 4, 1989.
3. L. Calvin Ross of Guilford County appointed for a term expiring April 4, 1989.

I would appreciate your assistance in handling this matter.

My warmest personal regards.

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

Referred to **Agriculture Committee.**

RE-REFERRALS

S. B. 268, a bill to amend Chapter 143 of the General Statutes, Article 21, Part 8, so as to make flood control projects and all local water-based recreation projects eligible for cost-sharing.

Without objection, the Chair orders the bill taken from the **State Government Committee** and re-referred to the **Natural and Economic Resources and Wildlife Committee.**

S. B. 269, a bill to reform certain administrative procedures of the Environmental Management Commission.

Without objection, the Chair orders the bill taken from the **State Government Committee** and re-referred to the **Natural and Economic Resources and Wildlife Committee.**

S. B. 271, a bill to amend G. S. 113-229 relating to permits, appeals, and hearings regarding dredging and filling.

Without objection, the Chair orders the bill taken from the **State Government Committee** and re-referred to the **Natural and Economic Resources and Wildlife Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 263, a bill to amend Chapter 53 of the General Statutes of North Carolina relating to banks, with a favorable report, as amended.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 63, a bill to amend G. S. 122-58.7 to require the District Attorney to provide counsel for the State for involuntary commitment hearings held in the county of origin of the commitment proceedings, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Allsbrook, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S. B. 75, a bill regarding involuntary commitment of persons found incapable of proceeding or not guilty by reason of insanity, with a favorable report.

S. B. 188, a bill to provide that counties and cities may not authorize the construction of buildings or structures of more than three stories or thirty-five feet high on mountain ridges at altitudes of more than twenty-seven hundred and fifty feet and providing for certain exceptions, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted, changing the title to read, **S. B. 188** (Committee Substitute), a bill to provide that counties and cities may not authorize the construction of buildings or structures of more than three stories or thirty-five feet high on mountain ridges at altitudes of more than twenty-nine hundred and fifty feet and providing for certain exceptions.

On motion of Senator Allsbrook, the Committee Substitute bill is placed on the Calendar for Wednesday, April 13.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

H. B. 82 (Committee Substitute), a bill to exempt certain volunteer and municipal fire departments from the Occupational Safety and Health Act of North Carolina, with a favorable report.

On motion of Senator Barnes of Wayne, the Committee Substitute bill is placed on the Calendar for Monday, April 11.

By Senator Childers for the **Manufacturing, Labor and Commerce Committee:**

H. B. 166, a bill to permit rate deviations in workers' compensation and employers' liability insurance, with a favorable report.

By Senator Plyler for the **Pensions and Retirement Committee:**

S. B. 154, a bill to allow the purchase of temporary state employment as creditable service in the Teachers' and State Employees' Retirement System by persons who could retire as a result thereof and to make an appropriation for the employer cost, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Plyler, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Davis, Allred, Ballenger, Childers, Edwards of Guilford, Edwards of Caldwell, Gray, Harris of Mecklenburg, Hipps, Hunt, Kincaid, Lawing, Marion, Marvin, Plyler, Rauch, Redman, Speed, Swain, Thomas of Henderson, Warren, White, and Wright:

S. B. 323, a bill to change the method of execution in this State from administration of lethal gas to administration of lethal drugs.
Referred to **Judiciary III Committee.**

By Senators Davis, Childers, and Staton:

S. B. 324, a bill to define second degree felony murder.
Referred to **Judiciary III Committee.**

Senator Barnes of Wayne moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Barnes of Wayne:

S. B. 325, a bill to appropriate funds for expansion of services and facilities of Judicial Branch of State Government.
Referred to **Appropriations Committee.**

By Senators Rand, Barnes of Forsyth, Duncan, Hancock, Hipps, Jenkins, Johnson, Marion, Martin, Swain, Tally, Thomas of Henderson, Walker, Ward, Winner, and Woodard:

S. B. 327, a bill to amend Chapter 97 of the General Statutes to define injury by accident for workers' compensation.
Referred to **Manufacturing, Labor and Commerce Committee.**

By Senators Winner, Hipps, Swain, and Thomas of Henderson:

S. B. 328, a bill to appropriate funds for Western North Carolina Group Home for Autistic Adults in Asheville.
Referred to **Appropriations Committee.**

By Senators Marvin, Barnes of Wayne, Barnes of Forsyth, Childers, Edwards of Caldwell, Gray, Hancock, Hipps, Hunt, Jenkins, Johnson, Jordan, Martin, Plyler, Rand, Soles, Staton, Tally, Thomas of Henderson, Tison, Walker, Ward, Winner, and Woodard:

S. J. R. 329, a joint resolution to permit the continuance of the work of the Legislative Research Commission's Study on the Economic, Social and Legal Problems and Needs of Women as begun under Resolution 61 of the 1981 Session.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Edwards of Guilford:

S. B. 330, a bill to prevent the sexual exploitation of children.
Referred to **Judiciary I Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 295 (Comittee Substitute), a bill to permit a registered voter who has moved from one precinct to another within the same county more than thirty days before an election to record a change of address on election day and vote in the office of the county board of elections or at another location designated by the board.

Referred to **State Government/Election Laws Committee.**

H. B. 332 (Committee Substitute), a bill to require reporting of all cases of abused juveniles to the district attorney.

Referred to **Judiciary II Committee.**

H. B. 375, a bill to require that all vessels in certain counties carry a personal flotation device.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 414, a bill to allow the court to enjoin the disposal of marital property pending institution of an equitable distribution action.

Referred to **Judiciary II Committee.**

H. B. 545, a bill to amend Chapter 25A of the General Statutes to clarify the definition of "sale" in the Retail Installment Sales Act.

Referred to **Judiciary I Committee.**

H. B. 561, a bill to validate certain acts of notaries.

Referred to **Judiciary II Committee.**

RECONSIDERATION

H. B. 233 (Committee Substitute), a bill to authorize the delegation of a magistrate as administrative magistrate.

Senator Swain moves that the vote by which the motion to table the bill prevailed be reconsidered, which motion prevails (electronically recorded).

Without objection, the Chair orders the Committee Substitute bill recommitted to the **Judiciary III/Law Enforcement and Criminal Justice Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 118, a bill to allow State and local governments and public authorities to deposit public moneys at interest in any savings and loan association in the State, and to designate as official depositories one or more savings and loan associations in this State, for concurrence in House Amendment No. 1.

On motion of Senator Edwards of Caldwell, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 123 (Committee Substitute), a bill to allow expunction of arrest records in appropriate cases.

Senator Winnner offers Amendment No. 1 which he subsequently withdraws.

Senator Swain calls the previous question, duly seconded. The call is sustained (electronically recorded).

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Hancock to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 196, a bill to approve the Southeast Interstate Low-Level Radioactive Waste Management Compact.

On motion of Senator Walker, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 221, a bill to amend Article 49 of Chapter 106, relating to hatcheries and chick dealers.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 245, a bill to amend administrative provisions of the marine fisheries act to make a technical change.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 246, a bill to amend G. S. Chapter 143, Article 38 so as to eliminate outmoded provisions concerning the State Stream Sanitation Committee and the Board of Water Resources, and an obsolete reference to the sand dune law.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 252, a bill to amend the County Special Assessments Law (G. S. Chapter 153A, Article 9) with respect to small watersheds, drainage programs, and maintenance charges, to authorize county spending and taxes for drainage projects, and to make related changes, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

S. B. 273, a bill to authorize emergency admissions of juveniles to treatment facilities.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 14 (Committee Substitute), a bill to conform State law on legislators' income tax deduction for business expenses to federal law.

The Commitee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

April 7, 1983

H. B. 66, a bill to revise and simplify G. S. 8-57 regarding the testimony of spouses in criminal actions, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 151 (Committee Substitute), a bill to amend the statutes relating to public accountants, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 2, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: Senators Edwards of Guilford and Swain—2.

The Committee Substitute bill, as amended, remains on the Calendar, upon third reading.

H. B. 187, a bill to clarify the exemption of out-of-state sales of printed materials from taxation.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled. Senator Rauch is excused from voting for the stated reason: "Ownership in a printing company."

H. B. 221, a bill to allow the Coastal Resources Commission to issue general permits under the Coastal Area Management Act and under the dredge and fill law.

On motion of Senator Thomas of Craven, consideration of the bill is postponed until Tuesday, April 12.

H. B. 229, a bill to decrease the time allotted for the consideration of permits under the Coastal Area Management Act.

On motion of Senator Thomas of Craven, consideration of the bill is postponed until Tuesday, April 12.

H. B. 231, a bill to provide for the issuance of special emergency permits under the Coastal Area Management Act.

On motion of Senator Thomas of Craven, consideration of the bill is postponed until Tuesday, April 12.

H. B. 335, a bill to establish minimum in-service training standards, as amended, upon third reading.

Senator Harris of Cleveland offers Amendment No. 2 which is adopted (electronically recorded).

Senator Martin offers a motion that the bill, as amended, be re-referred to the **Judiciary II Committee.**

Senator Barnes of Wayne offers a substitute motion that the bill, as amended, be recommitted to the **Judiciary III/Law Enforcement and Criminal Justice Committee,** which motion prevails (electronically recorded).

H. B. 400, a bill to restrict the United States Government's ability to force Mecklenburg

County to house federal prisoners in the Mecklenburg County Jail without adequate financial compensation and space consideration.

On motion of Senator Hipps, Committee Amendment No. 1 is adopted, which changes the bill from a local bill to a public bill and changes the title, upon concurrence, to read, **H. B. 400,** a bill to restrict the United States Government's ability to force counties to house federal prisoners in the county jail without adequate financial compensation and space consideration.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Wright to its third reading, the bill, as amended, remains on the Calendar for further consideration.

H. B. 428, a bill to permit all incorporated cities and towns to levy auto taxes of not more than five dollars, upon second reading.

Senator Royall offers Amendment No. 1 which is adopted (electronically recorded), changing the title, upon concurrence, to read, **H. B. 428,** a bill to permit all incorporated cities and towns other than the City of Durham to levy auto taxes of not more than five dollars, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Woodard—43.

Voting in the negative: Senators Allred, Kincaid, Redman, and Wright—4.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 467, a bill to define the corporate limits of the Town of East Bend in Yadkin County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 153, an act to amend the North Carolina Fertilizer Law. (Ch. 146)

H. B. 195, an act to clarify the Department of Correction's rule-making procedures. (Ch. 147)

H. B. 274, an act to authorize the North Carolina Housing Finance Agency to make loans to mortgage lenders. (Ch. 148)

H. B. 275, an act to repeal the requirement for a certificate of convenience and necessity from the Utilities Commission before a housing authority can exercise the power of eminent domain. (Ch. 149)

H. B. 304, an act to require consent of the Union County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County. (Ch. 150)

H. B. 379, an act to provide that the sheriff issue Bertie County weapon permits. (Ch. 151)

H. B. 405, an act to authorize the City of Monroe to convey to the United States or any agency thereof with or without monetary consideration, or to exchange with the United States or United States Postal Service or any agency thereof for other real and/or personal property certain real property owned by the City of Monroe. (Ch. 154)

H. B. 418, an act to authorize the County of Caswell to convey a parcel of land at private sale to the Cherokee Council of the Boy Scouts of America, Inc. (Ch. 152)

H. B. 423, an act to add a speed restriction for subdivision streets. (Ch. 153)

On motion of Senator Lawing, seconded by Senator Martin, the Senate adjourns to meet tomorrow at 11:00 A.M.

SIXTY-THIRD DAY

SENATE CHAMBER,
Friday, April 8, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Dr. Lawrence O. Harper, Pastor of Homestead Heights Baptist Church, Durham, as follows:

"Father, You deserve all of our attentive praise and all of our love. You have done so much for us, even though we have not deserved Your care, and You have withheld Your punishment from us, even though we deserve such for our complacent hearts that do not respond to You. I rejoice, however, Lord, today that Your grace and mercy are evident.

"I now ask in the Name of Jesus Christ, that Your Spirit shall be in the hearts and minds of these people who serve people, that in their service, decisions and actions that they shall be touched by Your wisdom and discernment so when all is said and done, they may stand assured that they have sought You and in seeking have glorified You.

"In the Holy Name of Jesus Christ our Lord, Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Hardison, Duncan, Harris of Mecklenburg, Hancock, Soles, and Marion for today and to Senator Woodard for Monday, Tuesday, and Wednesday, April 11, 12, and 13.

A leave of absence granted previously to Senator Kincaid is noted.

REPORTS OF SELECT COMMITTEES

Bills and resolutions are reported from select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Select Committee on S. B. 165:**

S. B. 165, a bill to create the felony offenses of use of a child in a sexual performance and promoting a sexual performance by a child, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Warren, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, April 12.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Gray, Childers, Daniels, Davis, Edwards of Guilford, Hancock, Hardison, Johnson, Jordan, Martin, Marvin, Plyler, Rand, Royall, Staton, Tally, Walker, Ward, and Warren:

S. J. R. 331, a joint resolution directing the Mental Health Study Commission to examine funding policies of area mental health, mental retardation and substance abuse programs.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Winner, Barnes of Wayne, and Rand:

S. J. R. 332, a joint resolution directing the North Carolina Courts Commission to study the problem of the North Carolina Court of Appeals' case overload.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Swain, Hipps, Jenkins, and Winner:

S. B. 333, a bill to reduce the years a judge must have served before retirement to qualify as an emergency judge.

Referred to **Judiciary I Committee.**

By Senators Woodard, Johnson, and Staton:

S. B. 334, a bill to appropriate funds to the Garner Volunteer Fire Department.

Referred to **Appropriations Committee.**

By Senators Edwards of Caldwell and Harris of Cleveland:

S. B. 335, a bill to add one member to the North Carolina Medical Care Commission.

Referred to **Human Resources Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 413, a bill to make amendments to the Equitable Distribution Act.
Referred to **Judiciary II Committee.**

H. B. 475, a bill to have discovery papers filed with clerk only when used in proceeding.
Referred to **Judiciary II Committee.**

H. B. 505, a bill to amend the Charter of the City of Morganton for the purpose of permitting the mayor to vote on all issues.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 510, a bill to make technical amendments to the juvenile code as recommended by the Juvenile Law Study Commission.
Referred to **Judiciary III Committee.**

H. B. 514, a bill authorizing the Davie County Board of Commissioners to convey certain real property.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 531, a bill to repeal the authorization for a Greenville Cemetery Purchase Fund, and to authorize transfer of monies from that Fund.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 562, a bill to provide for filing and notice of election to the Columbus County Board of Education and the Whiteville City Board of Education.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 613, a bill to authorize the Tyrrell County Board of Commissioners to enter into certain contracts without complying with the provisions of Chapter 133 and of Article 8 of Chapter 143 of the General Statutes.
Referred to **Local Government and Regional Affairs Committee:**

H. B. 627, a bill to amend the School Budget and Fiscal Control Act as it applies to Sampson County concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 630, a bill restricting the use of local sales and use tax revenue in Burke County.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 734, a bill to change the manner of election of the New Bern Board of Aldermen and Mayor.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 75, a bill regarding involuntary commitment of persons found incapable of proceeding or not guilty by reason of insanity.

On motion of Senator Allsbrook, consideration of the bill is postponed until Tuesday, April 12.

S. B. 123 (Committee Substitute), a bill to allow expunction of arrest records in appropriate cases, upon third reading.

Senator Rand offers Amendments No. 2 and 3 which are adopted (electronically recorded).

Senator Winner offers Amendment No. 4 which is adopted (electronically recorded).

On motion of Senator Jenkins, the Committee Substitute bill, as amended, is recommitted to the **Judiciary I Committee.**

S. B. 252, a bill to amend the County Special Assessments Law (G. S. Chapter 153A, Article 9) with respect to small watersheds, drainage programs, and maintenance charges, to authorize county spending and taxes for drainage projects, and to make related changes, upon third reading.

On motion of Senator Daniels, consideration of the bill is postponed until Wednesday, April 13.

S. B. 263, a bill to amend Chapter 53 of the General Statutes of North Carolina relating to banks.

On motion of Senator Edwards of Caldwell, Committe Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 151 (Committee Substitute), a bill to amend the statutes relating to public accountants, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Warren, White, Winner, and Wright—39.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and 2.

H. B. 166, a bill to permit rate deviations in workers' compensation and employers' liability insurance.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 400, a bill to restrict the United States Government's ability to force Mecklenburg County to house federal prisoners in the Mecklenburg County Jail without adequate financial compensation and space consideration, as amended, upon third reading.

On motion of Senator Hipps, consideration of the bill, as amended, is postponed until Tuesday, April 12.

H. B. 428, a bill to permit all incorporated cities and towns to levy auto taxes of not more than five dollars, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 37, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Harrington, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Speed, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, and Winner—37.

Voting in the negative: Senators Allred, Redman, and Wright—3.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 118, an act to allow State and local governments and public authorities to deposit public moneys at interest in any savings and loan association in the State, and to designate as official depositories one or more savings and loan associations in this State. (Ch. 158)

S. B. 170, an act to extend the sunset provision on an act to authorize the City of Raleigh to exercise certain land acquisition and disposal procedures. (Ch. 159)

S. B. 172, an act relating to the prima facie rule of evidence for enforcement of parking regulations in the City of Winston-Salem. (Ch. 160)

S. B. 192, an act to permit the City of Hendersonville to authorize its Zoning Board of Adjustment to make decisions pursuant to a seven member majority vote. (Ch. 161)

H. B. 14 (Committee Substitute), an act to conform State law on legislators' income tax deductions for business expenses to federal law. (Ch. 155)

H. B. 187, an act to clarify the exemption of out-of-state sales of printed materials from taxation. (Ch. 156)

H. B. 467, an act to define the corporate limits of the Town of East Bend in Yadkin County. (Ch. 157)

On motion of Senator Lawing, seconded by Senator Barnes of Forsyth, the Senate adjourns to meet Monday at 8:13 P.M.

SIXTY-FOURTH DAY

SENATE CHAMBER,
Monday, April 11, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Gracious God, we believe that You are making all things new, and that in Your grace,

the universe is moving toward the perfection You always intended it to have in Your creation. We confess that sometimes we are uneasy with change. The present, even with its imperfections, is a comfortable and familiar reality, while the future and its uncertainty make us uncomfortable. Help us to break our hold on familiar things that you discard, and give us forward-looking courage to reach toward wiser ways. Lead us beyond ourselves to the new life promised by Your teachers and prophets — a new life of justice, hope, and peace for all Your people. Teach us how to look toward the future not with fear, but with hope, knowing that You are already there waiting patiently for us to catch up with You. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Rauch, Duncan, and Marion for tonight.

A leave of absence granted previously to Senator Woodard is noted.

The President extends courtesies of the floor to former Senators Joe B. Raynor from Cumberland County and Joe H. Palmer from Haywood County, to the Honorable Willis P. Whichard, Judge, North Carolina Court of Appeals and former Senator from Durham County, and to J. Frank Huskins, former Associate Justice of the North Carolina Supreme Court.

The President recognizes the following pages serving in the Senate this week: Amy Barnes, Goldsboro; Tamara Blackburn, Statesville; Leigh Cole, Carthage; Paige Dupree, Burlington; Chrissy Hawley, Raleigh; Sharon Hinton, Fayetteville; Lewis Johnson, Raleigh; Michele Lennon, Evergreen; Barbara McCabe, Waynesville; Marlot Redwine, Raleigh; Scott Robertson, Concord; Todd Robertson, Concord; Michelle Simmons, Columbia; Shari Simmons, Yanceyville; Eugene Stephenson, Murfreesboro; Dee Trogdon, Angier; Tison Ward, Charlotte; Chuck Warren, Walkertown; Cindy Watkins, Wake Forest; and Rod Wilson, Durham.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Tally and Rand:

S. B. 336, a bill to appropriate funds to assist in the restoration of St. Joseph's Episcopal Church in Fayetteville.

Referred to **Appropriations Committee.**

Senator Hipps moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Hipps:

S. B. 337, a bill to provide the same punishment for the sale of a controlled substance to a minor as is currently provided for the delivery of a controlled substance to a minor.

Referred to **Judiciary III Committee.**

Senator Hipps moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Hipps:

S. B. 338, a bill to include within the statutory provisions for the defense of State employees those persons or professional associations who provide medical and dental services to prison inmates at the request of the Department of Correction.
Referred to **Judiciary III Committee.**

Senator Hipps moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Hipps:

S. B. 339, a bill to make injury by vehicle a criminal offense.
Referred to **Judiciary III Committee.**

By Senators Winner, Barnes of Wayne, Martin, and Rand:

S. J. R. 340, a joint resolution directing the North Carolina Courts Commission to study the Judicial Divisions of the Superior Court Division of the General Court of Justice.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Winner, Barnes of Wayne, Jordan, Martin, Rand, and Woodard:

S. B. 341, a bill to phase in a statewide guardian ad litem program for child abuse and neglect cases.
Referred to **Judiciary II Committee.**

By Senators Winner and Martin:

S. B. 342, a bill establishing a general misdemeanor offense of possession of marijuana.
Referred to **Judiciary I Committee.**

By Senators Tally and Ward:

S. J. R. 343, a joint resolution continuing the Legislative Research Commission Study on the Twelfth Grade.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Davis, Barnes of Forsyth, Childers, Edwards of Caldwell, Johnson, Redman, Tally, Winner, and Woodard:

S. B. 344, a bill to increase the amount of insurance proceeds the Clerk of Superior Court or public guardian may receive and administer for minors and incapacitated adults.
Referred to **Judiciary III Committee.**

By Senator Woodard:

S. B. 345, a bill to place a one-year freeze on the granting of certificates of need for alcohol treatment beds, drug treatment beds, or both.
Referred to **Human Resources Committee.**

By Senator Barnes of Wayne:

S. B. 346, a bill to permit active members of the armed services and their dependents to be eligible for in-State tuition at State community colleges, technical institutions and the constituent institutions of the University of North Carolina.

Referred to **Higher Education Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. J. R. 136, a joint resolution expressing the concern of the members of the General Assembly at this time of substantial unemployment, and under-employment, and urging that all instrumentalities of government join in constructive action to alleviate the present distress, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, April 12.

S. B. 204, a bill to permit persons to engage in business as a pawnbroker in unincorporated areas of Jackson County, for concurrence in the House Amendment, which is placed on the Calendar for tomorrow, April 12.

H. B. 386, a bill to make technical corrections in the elections statutes.

Referred to **State Government/Election Laws Committee.**

H. B. 408, a bill to simplify the procedure for electing members of the Board of Governors of the University of North Carolina.

Referred to **Higher Education Committee.**

H. B. 466, a bill to amend the Charter of the City of Statesville.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 485, a bill to provide for the simultaneous issuance of absentee ballots and the application for absentee ballots when a voter makes a personal request pursuant to G. S. 163-226.

Referred to **State Government/Election Laws Committee.**

H. B. 486, a bill to allow Cabarrus County to establish voting precincts without regard to township boundaries.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 518, a bill to amend the average cost basis formula the City of Raleigh may use to assess the cost of extending water and sewer lines.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 525, a bill to provide for a change in the manner of selection of the Washington City Board of Education, subject to a referendum.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 528, a bill to amend the escheat and abandoned property laws of North Carolina.

Referred to **Judiciary II Committee.**

H. B. 540, a bill to include three satellite areas within the corporate limits of the City of Lenoir.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 565, a bill to amend G. S. 20-79.2 pertaining to transporter registration plates.
Referred to **Ways and Means/Transportation Committee.**

H. B. 573, a bill to allow the Dare County Board of Commissioners to abolish or reduce the size of the Kitty Hawk Fire Protection District, and to change the name of the District.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 597, a bill to incorporate the Town of Weddington in Union County.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 599, a bill to authorize Lenoir County to permit disposition of land for a special purpose at fair market value without competitive bidding: to permit disposition of land on the basis other than the highest monetary bid, where such disposition is found to serve the best interest of the municipality, and to dispose of property at private sale.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 629, a bill to incorporate the City of Kannapolis subject to a vote of the people and to create a commission to develop its Charter.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 82 (Committee Substitute), a bill to exempt certain volunteer and municipal fire departments from the Occupational Safety and Health Act of North Carolina.
The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 121, an act regarding requests for State assistance by private colleges and universities. (Ch. 163)

H. B. 166, an act to permit rate deviations in workers' compensation and empoyers' liability insurance. (Ch. 162)

On motion of Senator Lawing, seconded by Senator Harris of Mecklenburg, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, April 12, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Roger Williams, Pastor of Winterville Baptist Church, Winterville, as follows:

"O, God, You have commanded us to pray for all that are in authority and to do so through supplications, intercessions, and giving of thanks.

"First, we would give You thanks, Lord, that those in authority here have been chosen by their own peers. Thank You for perserving this great privilege in a world where so many persons are still denied this basic franchise. Thank You, Lord, for this peer pressure which helps to balance the leverage of special interests.

"Further, O God, we would include thanks for the potential of this political body: youthful and mature, diverse in occupation, experience and many other qualities, they are well equipped to struggle with the heavy issues of government.

"And now, Heavenly Father, we acknowledge our humanity and ask that You intercede for this governing body. Our humanness limits us, and things may not always be seen in their true perspective and complications often out-number remedies. We need divine guidance; therefore, Lord, we ask that You be the Chief Intercessor. We know that Your will for mankind is good, and Your sacrifice for us is endless; so we believe that if we can find and follow your way, we can resolve our problems and preserve a future for our children.

"We close, Lord, with a supplication that this meeting today may be a productive session, and thank You for being so patient with us all.

"I pray in Jesus' name, Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harrington and Duncan for today.

A leave of absence granted previously to Senator Woodard is noted.

RE-REFERRAL

S. B. 256, a bill authorizing the qualified voters of the Town of Beech Mountain to determine whether beer and wine may be sold in that Town.

On motion of Senator Marion, the bill is taken from the **Local Government and Regional Affairs Committee** and re-referred to the **State Government Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee:**

H. B. 427, a bill to modify the conditions of an assessment on yam producers which may be authorized in a producers' referendum, with a favorable report, as amended.

On motion of Senator White, the rules are suspended and the bill is placed before the

Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator White, the bill, as amended, is re-referred to the **Finance Committee.**

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 333, a bill to reduce the years a judge must have served before retirement to qualify as an emergency judge, with a favorable report.

On motion of Senator Allsbrook, the bill is re-referred to the **Pensions and Retirement Committee.**

H. B. 512, a bill relating to use of lists of licensed drivers for jury duty, and the number of names on the jury list, with a favorable report, as amended.

By Senator Soles for the **Judiciary II Committee:**

H. B. 146 (Committee Substitute), a bill to clarify age limits set by various criminal statutes, with a favorable report.

H. B. 432, a bill to clarify a married woman's domicile for tax purposes, with a favorable report, as amended.

H. B. 442, a bill to clarify the Board of Law Examiners' authority regarding fingerprints, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee:**

S. B. 261, a bill to amend the Charter of the City of Wilmington to clarify the authority of city council to contract with non-city agencies, with a favorable report.

S. B. 282, a bill relating to motor vehicle traffic at the Greensboro-High Point Airport and for other purposes, with a favorable report.

S. B. 285, a bill relating to removal of unauthorized vehicles from private lots in Forsyth County, with a favorable report.

S. B. 286, a bill to exempt Gaston County from certain procedural requirements on disposal of land as an industrial park, with a favorable report.

S. B. 290, a bill regarding the authority of the City of Wilmington to require a certificate of appropriateness for exterior work to structures in an area designated as an historic district overlay, with a favorable report.

S. B. 303, a bill to incorporate the Town of Salem in Burke County, with a favorable report.

S. B. 310, a bill to revise the Charter of the Town of Jackson, with a favorable report.

S. B. 322, a bill to rewrite the Charter of the Town of Stoneville, with a favorable report.

H. B. 348, a bill to add New Hanover and Durham Counties to the provisions of the General Statutes relating to attachment or garnishment and lien for ambulance service in certain counties, with a favorable report.

H. B. 378, a bill validating certain assessments of the City of Elizabeth City, with a favorable report.

H. B. 439, a bill to provide that as to the City of Gastonia, members of the City Council excused from voting shall not be included in determining the results of a vote on a zoning protest petition, with a favorable report.

H. B. 462, a bill to allow Mecklenburg County to include storm drainage repairs and improvements and street lighting as special assessments, with a favorable report.

H. B. 483, a bill to allow the Lincoln County Board of Education to pay its ten-month employees on or before the fifteenth day of each month, with a favorable report.

H. B. 501, a bill to conform the election requirements for the Lincoln County Board of Education to the general election law, with a favorable report.

H. B. 506, a bill to authorize the City of Shelby to establish, operate and maintain a public market, with a favorable report.

H. B. 532, a bill to make amendments to the High Point Career Service Law, with a favorable report.

H. B. 629, a bill to incorporate the City of Kannapolis subject to a vote of the people and to create a commission to develop its Charter, with a favorable report.

H. B. 734, a bill to change the manner of election of the New Bern Board of Aldermen and Mayor, with a favorable report.

On motion of Senator Marion, the rules are suspended and the bill is placed on today's Calendar for consideration (electronically recorded).

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 224 (Committee Substitute), a bill to permit all incorporated cities within the coastal area to nominate members of the Coastal Resources Commission.

Referred to **Natural and Economic Resources and Wildlife Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 75, a bill regarding involuntary commitment of persons found incapable of proceeding or not guilty by reason of insanity.

The bill passes its second reading (electronically recorded).

On objection of Senator Johnson to its third reading, the bill remains on the Calendar for further consideration.

S. J. R. 136, a joint resolution expressing the concern of the members of the General Assembly at this time of substantial unemployment, and under-employment, and urging that all instrumentalities of government join in constructive action to alleviate the present distress, for concurrence in House Amendment No. 1.

On motion of Senator Gray, the Senate concurs in House Amendment No. 1 (electronically recorded) and the joint resolution is ordered enrolled.

S. B. 165 (Committee Substitute), a bill to create the felony offenses of use of a child in a sexual performance and promoting a sexual performance by a child.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 204, a bill to permit persons to engage in business as a pawnbroker in unincorporated areas of Jackson County, for concurrence in the House Amendment.

On motion of Senator Hipps, the Senate concurs in the House Amendment changing the title to read, **S. B. 204,** a bill to permit persons to engage in business as a pawnbroker in unincorporated areas of Jackson and Lenoir Counties.

The bill is ordered enrolled.

H. B. 221, a bill to allow the Coastal Resources Commission to issue general permits under the Coastal Area Management Act and under the dredge and fill law.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 229, a bill to decrease the time allotted for the consideration of permits under the Coastal Area Management Act.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 231, a bill to provide for the issuance of special emergency permits under the Coastal Area Management Act.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 400, a bill to restrict the United States Government's ability to force counties to house federal prisoners in county jail without adequate financial compensation and space consideration, as amended, upon third reading.

On motion of Senator Hipps, the bill, as amended, is re-referred to the **Judiciary III Committee.**

H. B. 734, a bill to change the manner of election of the New Bern Board of Aldermen and Mayor.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 182 (Committee Substitute), an act to amend the North Carolina Parking Facilities Revenue Bond Act. (Ch. 168)

H. B. 82 (Committee Substitute), an act to exempt certain volunteer and municipal fire departments from the Occupational Safety and Health Act of North Carolina. (Ch. 164)

H. B. 152 (Committee Substitute), an act to permit transfer of prisoners among counties. (Ch. 165)

H. B. 314 an act to permit Dare, Pasquotank and Chowan Counties to sell impounded dogs and cats to licensed animal dealers. (Ch. 166)

H. B. 390, an act to establish a wildlife preserve and bird sanctuary in Cape Colony Subdivision, Chowan County. (Ch. 167)

On motion of Senator Lawing, seconded by Senator Ballenger, the Senate adjourns in honor of the commemoration of the Halifax Resolves to meet tomorrow at 1:30 P.M.

SIXTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, April 13, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we acknowledge that all that we have is a gift, a trust from Your loving hand. Remind us of Your gifts daily, O Lord, lest we drift into thinking that we have created it for ourselves. Enable us to have the wisdom and the right sense of duty to use Your goodness not only for our own benefit, but for the good of all Your children. Especially we thank You for the beauty and bounty of our own State, and pray that You will help us to preserve, protect, and wisely use all its bounty for the benefit of all its citizens, today and tomorrow. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Duncan, Staton, and Barnes of Wayne for today; to Senator Jenkins, who is attending a meeting of the National Council of State Legislatures in Washington, D.C. for Wednesday, Thursday, and Friday, April 13, 14, and 15; and to Senator Hipps for Friday, April 15.

Senator Woodard is noted present.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee:**

H. B. 18 (Committee Substitute), a bill to increase the maximum amount of the bond required of distributors of motor fuel and suppliers of special fuel, to require persons who are both distributors and suppliers to file a bond sufficient to cover both liabilities; and to impose personal liability upon responsible corporate officers, with a favorable report, as amended.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Tuesday, April 19.

H. B. 210, a bill to authorize the Commissioner of Motor Vehicles to collect a fee to cover the costs of approving equipment for use on motor vehicles, with a favorable report, as amended.

On motion of Senator Rauch, the bill is placed on the Calendar for Tuesday, April 19.

H. B. 362, a bill to amend G. S. 75A-5 with respect to transfer of motorboat registration, with a favorable report.

On motion of Senator Rauch, the bill is placed on the Calendar for Monday, April 18.

H. B. 529, a bill to allow the personal representative in certain situations to withdraw from joint bank deposits without obtaining a tax waiver from the Secretary of Revenue, with a favorable report.

On motion of Senator Rauch, the bill is placed on the Calendar for Tuesday, April 19.

By Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 212, a bill to establish the North Carolina Institute of Medicine, with a favorable report.

On motion of Senator Harris of Cleveland, the bill is re-referred to the **Appropriations Committee.**

H. B. 440, a bill to make technical amendments to the North Carolina Pharmacy Practice Act, with a favorable report.

On motion of Senator Harris of Cleveland, the bill is placed on the Calendar for Monday, April 18.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

S. B. 268, a bill to amend Chapter 143 of the General Statutes, Article 21, Part 8, so as to make flood control projects and all local water-based recreation projects eligible for cost-sharing, with a favorable report.

On motion of Senator Thomas of Craven, the bill is placed on the Calendar for Monday, April 18.

S. B. 271, a bill to amend G. S. 113-229 relating to permits, appeals, and hearings regarding dredging and filling, with a favorable report, as amended.

On motion of Senator Thomas of Craven, the bill is placed on the Calendar for Tuesday, April 19.

H. B. 504, a bill to prohibit hunting from Highway 306 in Craven County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Thomas of Craven, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted, changing the title to read, **H. B. 504,** a bill to prohibit hunting from Highway 306, and sections of State Secondary Road 1225 and U.S. Highway 70 in Craven County.

On motion of Senator Thomas of Craven, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, April 19.

By Senator Hancock for the **State Government Committee:**

S. B. 253, a bill to amend Chapter 104D of the General Statutes to enter into the Southern States Energy Compact and to establish the Southern States Energy Board, with a favorable report.

On motion of Senator Hancock, the bill is placed on the Calendar for Tuesday, April 19.

By Senator Hancock for the **State Government/Election Laws Committee:**

H. B. 55, a bill to allow the Orange County Board of Elections to establish a second office to handle one-stop absentee voting, with a favorable report.

On motion of Senator Hancock, the bill is placed on the Calendar for Monday, April 18.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Allred:

S. B. 347, a bill to place a moratorium on involuntary annexation in Alamance County.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Marion:

S. B. 348, a bill to allow Surry County to name and assign street numbers to private roads in unincorporated areas.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Edwards of Guilford, Gray, and Martin:

S. B. 349, a bill to amend the enabling act of the Greensboro–High Point Airport Authority.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harris of Cleveland, Marion, Rauch, and Swain:

S. B. 350, a bill to provide that day-care facilities operated by or under the supervision of churches, synagogues, or schools of religious charter shall not be required to obtain licenses but shall be subject to day-care standards for health and safety.

Referred to **Judiciary I Committee.**

By Senator Parnell:

S. B. 351, a bill to appropriate funds for a grant-in-aid to Mill Prong Preservation, Inc., in Hoke County.

Referred to **Appropriations Committee.**

By Senator Parnell:

S. B. 352, a bill to change the boundary between the Fairmont City and Robeson County Administrative School Units.

Referred to **Local Government and Regional Affairs Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 484, a bill to make technical corrections to the elections statutes.
Referred to **State Government/Election Laws Committee.**

H. B. 572, a bill to prohibit hunting from roads in part of Perquimans County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 75, a bill regarding involuntary commitment of persons found incapable of proceeding or not guilty by reason of insanity, upon third reading.

Senator Johnson offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 188 (Committee Substitute), a bill to provide that counties and cities may not authorize the construction of buildings or structures of more than three stories or thirty-five feet high on mountain ridges at altitudes of more than twenty-nine hundred and fifty feet and providing for certain exceptions.

On motion of Senator Allsbrook, the Committee Substitute bill is recommitted to the **Judiciary I Committee.**

S. B. 252, a bill to amend the County Special Assessments Law (G. S. Chapter 153A, Article 9) with respect to small watersheds, drainage programs, and maintenance charges, to authorize county spending and taxes for drainage projects, and to make related changes, upon third reading.

Senator Daniels offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 261, a bill to amend the Charter of the City of Wilmington to clarify the authority of city council to contract with non-city agencies.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 282, a bill relating to motor vehicle traffic at the Greensboro–High Point Airport and for other purposes.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 285, a bill relating to removal of unauthorized vehicles from private lots in Forsyth County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 286, a bill to exempt Gaston County from certain procedural requirements on disposal of land as an industrial park.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 290, a bill regarding the authority of the City of Wilmington to require a certificate of appropriateness for exterior work to structures in an area designated as an historic district overlay.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 303, a bill to incorporate the Town of Salem in Burke County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

S. B. 310, a bill to revise the Charter of the Town of Jackson, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

S. B. 322, a bill to rewrite the Charter of the Town of Stoneville, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 146 (Committee Substitute), a bill to clarify age limits set by various criminal statutes.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 348, a bill to add New Hanover and Durham Counties to the provisions of the General Statutes relating to attachment or garnishment and lien for ambulance service in certain counties, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 378, a bill validating certain assessments of the City of Elizabeth City, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 432, a bill to clarify a married woman's domicile for tax purposes.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Edwards of Guilford to its third reading, the bill, as amended, remains on the Calendar for further consideration.

H. B. 439, a bill to provide that as to the City of Gastonia, members of the City Council excused from voting shall not be included in determining the results of a vote on a zoning protest petition.

The bill passes its second and third readings and is ordered enrolled.

H. B. 442, a bill to clarify the Board of Law Examiners' authority regarding fingerprints.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 462, a bill to allow Mecklenburg County to include storm drainage repairs and improvements and street lighting as special assessments, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray,

Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 483, a bill to allow the Lincoln County Board of Education to pay its ten-month employees on or before the fifteenth day of each month.

The bill passes its second and third readings and is ordered enrolled.

H. B. 501, a bill to conform the election requirements for the Lincoln County Board of Education to the general election law.

The bill passes its second and third readings and is ordered enrolled.

H. B. 506, a bill to authorize the City of Shelby to establish, operate and maintain a public market.

On motion of Senator Marion, the bill is recommitted to the **Local Government and Regional Affairs Committee.**

H. B. 512, a bill relating to use of lists of licensed drivers for jury duty, and the number of names on the jury list.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 532, a bill to make amendments to the High Point Career Service Law.

The bill passes its second and third readings and is ordered enrolled.

H. B. 629, a bill to incorporate the City of Kannapolis subject to a vote of the people and to create a commission to develop its Charter, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 15, a joint resolution requesting that the Governor of North Carolina consider the appointment of more elderly citizens to State boards and commissions. (Res. 11)

S. J. R. 136, a joint resolution expressing the concern of the members of the General Assembly at this time of substantial unemployment, and under-employment, and urging

that all instrumentalities of government join in constructive action to alleviate the present distress. (Res. 12)

S. B. 204, an act to permit persons to engage in business as a pawnbroker in unincorporated areas of Jackson and Lenoir Counties. (Ch. 169)

H. B. 66, an act to revise and simplify G. S. 8-57 regarding the testimony of spouses in criminal actions. (Ch. 170)

H. B. 221, an act to allow the Coastal Resources Commission to issue general permits under the Coastal Area Management Act and under the dredge and fill law. (Ch. 171)

H. B. 229, an act to decrease the time allotted for the consideration of permits under the Coastal Area Management Act. (Ch. 172)

H. B. 231, an act to provide for the issuance of special emergency permits under the Coastal Area Management Act. (Ch. 173)

H. B. 734, an act to change the manner of election of the New Bern Board of Aldermen and Mayor. (Ch. 174)

On motion of Senator Lawing, seconded by Senator Kincaid, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, April 14, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable W. Craig Lawing, President Pro Tempore.

Prayer is offered by the Honorable Marshall A. Rauch, Senator from Gaston County.

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore grants leaves of absence to Senator Duncan for today and to Senators Harrington, Rand, and White for tomorrow, April 15.

A leave of absence granted previously to Senator Jenkins is noted.

The President Pro Tempore extends courtesies of the floor to Joe B. Raynor, former Senator from Cumberland County and to Roger Sharpe, former Senator from Burke County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Education Committee:**

S. B. 291, a bill relating to the prevention of child abuse and neglect and establishing a Children's Trust Fund for that purpose, with a favorable report.

On motion of Senator Speed, the bill is re-referred to the **Finance Committee.**

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 188 (Committee Substitute), a bill to provide that counties and cities may not authorize the construction of buildings or structures of more than three stories or thirty-five feet high on mountain ridges at altitudes of more than twenty-nine hundred and fifty feet and providing for certain exceptions, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration (electronically recorded).

On motion of Senator Allsbrook, the Committee Substitute bill No. 2 is adopted, and on his further motion remains before the Senate for further consideration.

The Committee Substitute bill No. 2 passes its second reading (electronically recorded).

On objection of Senator Allsbrook to its third reading, the Committee Substitute bill No. 2 remains on the Calendar for further consideration.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 88, a bill to exempt certain volunteer fire departments from the Occupational Safety and Health Act of North Carolina, with an unfavorable report.

H. B. 400, a bill to restrict the United States Government's ability to force counties to house federal prisoners in the county jail without adequate financial compensation and space consideration, with a favorable report, as amended.

By Senators Harrington and Thomas of Henderson for the **Ways and Means/ Transportation Committee:**

S. B. 185, a bill to amend G. S. 20-118 pertaining to weight of vehicles and loads, with a favorable report, as amended.

H. B. 197 (Committee Substitute), a bill to require all brake lights to be red and permit other lights on the rear of any motor vehicle to be amber, yellow, or white, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Thomas of Henderson, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted, changing the title to read **H. B. 197** (Senate Committee Substitute), a bill to require all brake lights to be red and permit other lights on the rear of any motor vehicle to be amber, yellow, white, clear or red.

On motion of Senator Thomas of Henderson, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, April 19.

H. B. 482, a bill to comply with the highway federal-aid requirements for proof of payment of the federal tax before issuing a State truck license, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Harrington:

S. B. 353, a bill to revise and consolidate the Charter of the Town of Murfreesboro and to repeal prior local acts.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Ballenger:

S. B. 354, a bill to incorporate the Town of Startown in Catawba County.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Ballenger:

S. B. 355, a bill to appropriate funds to continue restoration of the Murray's Mill complex in Catawba County.
Referred to **Appropriations Committee.**

By Senators Thomas of Craven, Daniels, Guy, and Hardison:

S. B. 356, a bill to revise the lease fees pertaining to shellfish leases.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senators Thomas of Craven, Daniels, Guy, and Hardison:

S. B. 357, a bill to revise the license provisions pertaining to marine fisheries and to repeal the seafood tax.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Daniels:

S. B. 358, a bill to appropriate funds to adaptively rehabilitate the Currituck Teacherage in Currituck.
Referred to **Appropriations Committee.**

By Senator Wright:

S. B. 359, a bill regarding teacher oaths of allegiance in Pender County.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Ward and Barnes of Forsyth:

S. B. 360, a bill to appropriate funds for the support of the North Carolina Dance Theater.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Walker, Hancock, Marvin, and Tally:

S. B. 361, a bill to reduce the amount of the discount allowed merchants for collecting sales and use taxes.
Referred to **Finance Committee.**

By Senators Swain and Winner:

S. B. 362, a bill to provide for partisan elections for the Town of Woodfin.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Swain and Winner:

S. B. 363, a bill to authorize Buncombe County to levy additional one percent sales and use taxes for five years, with the proceeds to be used for public schools in Buncombe County.
Referred to **Finance Committee.**

By Senator Warren:

S. B. 364, a bill to include two satellite areas within the corporate limits of the Town of Four Oaks.
Referred to **Judiciary III Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 809, a joint resolution providing for a Joint Session of the Senate and House of Representatives at 7:00 P.M., Monday, April 18, 1983, for the conduct of business.
On motion of Senator Royall, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration (electronically recorded).
The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 94 (Committee Substitute), a bill to place the President of the Magistrate's Association on the Courts Commission, for concurrence in House Amendments Nos. 1 and 3.
On motion of Senator Soles, the rules are suspended (electronically recorded) and the Committee Substitute bill is placed before the Senate for immediate consideration.
On motion of Senator Soles, the Senate concurs (electronically recorded) in House Amendments Nos. 1 and 3, changing the title to read **S. B. 94** (Committee Substitute), a bill to place a magistrate on the Courts Commission, and the bill is ordered enrolled.

S. B. 117 (Committee Substitute), a bill to increase the membership of the State Banking Commission, for concurrence in the House Committee Substitute bill, which changes the title to read, **S. B. 117** (House Committee Substitute), a bill to increase the membership of the State Banking Commission and to subject the appointment of the Commissioner of Banks to confirmation by the General Assembly.
Referred to **Banking Committee.**

H. B. 222, a bill to expand the civil penalities for violations of the Coastal Area Management Act.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 334, a bill to establish a pilot program providing for public school teachers and

college education teachers to exchange duties.

Referred to **Education Committee.**

H. B. 671, a bill to allow apprentice and registered cosmetologists from other states to be admitted to practice cosmetic art in North Carolina through reciprocity.

Referred to **Finance Committee.**

H. B. 694, a bill to repeal the requirement of a new registration of voters upon incorporation of a municipality and simultaneous dissolution of a sanitary district.

Referred to **State Government/Election Laws Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 303, a bill to incorporate the Town of Salem in Burke County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S. B. 310, a bill to revise the Charter of the Town of Jackson, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0 as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S. B. 322, a bill to rewrite the Charter of the Town of Stoneville, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0 as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H. B. 348, a bill to add New Hanover and Durham Counties to the provisions of the

General Statutes relating to attachment or garnishment and lien for ambulance service in certain counties, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0 as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 378, a bill validating certain assessments of the City of Elizabeth City, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0 as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 432, a bill to clarify a married woman's domicile for tax purposes, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 462, a bill to allow Mecklenburg County to include storm drainage repairs and improvements and street lighting as special assessments, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0 as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 629, a bill to incorporate the City of Kannapolis subject to a vote of the people and to create a commission to develop its Charter, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0 as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler,

Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill is ordered enrolled.

On motion of Senator Royall, seconded by Senator Jordan, the Senate adjourns to meet tomorrow at 11:00 A.M.

SIXTY-EIGHTH DAY

SENATE CHAMBER,
Friday, April 15, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable W. Craig Lawing, President Pro Tempore.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, on the day we pay our taxes it is sometimes hard for us to be properly thankful — except perhaps thankful that we live in a State and nation in which we have the privilege of participating in decisions about how our tax dollars are spent; and except that we live in a State and nation where we help to elect our leaders rather than having them imposed upon us; and except for the fact that we live in a State and nation where we have the opportunity to achieve, to grow, to rise as far as our abilities, energy and initiative will carry us; and except for the fact that we live in a State and nation in which we have the right to speak out on issues and to gather for worship in any manner that seems right and proper for us so to do. Father, on this day, help us to remember our many blessings in this land, and to be truly thankful for the fortunate privilege we have in being citizens of it. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore grants leaves of absence to Senators Rauch, Harris of Mecklenburg, Duncan, Soles and Thomas of Craven for today.

Leaves of absence granted previously to Senators Jenkins, Hipps, Harrington, Rand, and White are noted.

The President Pro Tempore extends courtesies of the floor to Bobby Lee Combs, former Senator from Catawba County.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hunt:

S. B. 365, a bill to raise the compensation of the Moore County Board of Education.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Edwards of Caldwell:

S. B. 366, a bill to raise the maximum interest rate on loans from the State Literary Fund.
Referred to **Banking Committee.**

By Senators Hunt and Walker:

S. B. 367, a bill to appropriate funds for Malcolm Blue Historical Society.
Referred to **Appropriations Committee.**

By Senators Ballenger and Wright:

S. B. 368, a bill to provide the North Carolina Government-in-the-Sunshine Law.
Referred to **Judiciary III Committee.**

By Senators Alford and Speed:

S. B. 369, a bill to permit the Nash County Board of Commissioners to appropriate additional funds for industrial development.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Harris of Cleveland:

S. B. 370, a bill to provide funds for the perinatal program.
Referred to **Appropriations Committee.**

By Senators Davis and Childers:

S. B. 371, a bill to appropriate funds for Historic Salisbury Restoration — Grimes Mill and Hall House.
Referred to **Appropriations Committee.**

By Senators Winner, Swain and Thomas of Henderson:

S. B. 372, a bill to assure that if the Western Residence of the Governor in Asheville is damaged or destroyed, it will be repaired.
Referred to **State Government Committee.**

By Senators Winner, Edwards of Guilford, Hardison, Parnell, Royall and Walker:

S. B. 373, a bill to return to the pre-1981 exemptions from the enforcement of money judgements.
Referred to **Manufacturing, Labor and Commerce Committee.**

By Senators Swain, Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard and Wright:

S. B. 374, a bill for a program for basic and vocational skills at grades seven and eight.

Referred to **Education Committee.**

By Senator Davis:

S. B. 375, a bill to provide a procedure for the filling of vacancies in elective office in the Town of China Grove.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Rand and Winner:

S. B. 376, a bill to give 12-month school employees the same vacation benefits as full-time State employees.
Referred to **Education Committee.**

By Senators Hunt and Walker:

S. B. 377, a bill to appropriate matching funds for enhancement of the cultural purposes of Weymouth Center.
Referred to **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 811, a bill to exclude certain territory from the proposed City of Kannapolis if annexed by the City of Concord.
Referred to **Local Government and Regional Affairs Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 223, a bill authorizing the Coastal Resources Commission to set a fee of up to one hundred dollars for a CAMA major development permit.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 285, a bill providing that personalized plates for commercial vehicles shall not have the word "commercial" on them and regulating the replacement of registration plates.
Referred to **Ways and Means/Transportation Committee.**

H. B. 342, a bill to permit alternative markings on vehicles transporting dangerous articles that stop at railroad crossings.
Referred to **Ways and Means/Transportation Committee.**

H. B. 415, a bill to make clear that personal jurisdiction may be obtained by service by publication.
Referred to **Judiciary II Committee.**

H. B. 500, a bill to allow Central Piedmont Community College to lease certain property.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 522 (Committee Substitute), a bill to eliminate the necessity of a cited person signing the traffic citation.

April 15, 1983

Referred to **Judiciary II Committee.**

H. B. 553, a bill to abolish the Tar River Port Commission.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 566, a bill to authorize the City of Fayetteville to exercise certain land acquisition and disposal procedures.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 576, a bill to reapportion the New Bern-Craven County Board of Education and to reduce its size from twelve to seven members.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 600, a bill to increase the membership of the Industrial Development Commission for Stanly County.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 601, a bill to provide that the Stanly County Board of Commissioners may designate a commissioner to serve ex officio on the Stanly County Airport Authority.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 606, a bill to allow Wilson County to lease hospital facilities for longer than ten years, to resolve a conflict between two statutes.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 635, a bill exempting from the provisions of Article 12, Chapter 160A of the General Statutes of North Carolina, the County of Edgecombe as to leases or sales of real estate owned or hereafter owned by it for the use and benefit of the Edgecombe County Development Corporation or by such corporation itself.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 662, a bill to change the jurisdiction of the Roanoke Voyages Corridor Commission.
Referred to **Local Government and Regional Affiars Committee.**

H. B. 707, a bill to allow Hertford County to sell certain industrial property at private sale.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 719, a bill to clarify the Department of Correction's authority to provide treatment and training programs for mentally retarded prisoners.
Referred to **Human Resources Committee.**

H. B. 739, a bill to repeal Fayetteville Civil Service Commission.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 185, a bill to amend G. S. 20-118 pertaining to weight of vehicles and loads.
On motion of Senator Daniels, Committee Amendment No. 1 is adopted.
The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 400, a bill to restrict the United States Government's ability to force counties to house federal prisoners in the county jail without adequate financial compensation and space consideration, as amended, upon third reading.

On motion of Senator Tison, Committee Amendment No. 2 is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1 and 2.

H. B. 482, a bill to comply with the highway federal-aid requirements for proof of payment of the federal tax before issuing a State truck license.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

On motion of Senator Royall, seconded by Senator Jordan, the Senate adjourns to meet Monday at 6:30 P.M.

SIXTY-NINTH DAY

SENATE CHAMBER,
Monday, April 18, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"As we gather to begin another week of work in this place, O God, we give You thanks for the opportunities for worship and refreshment in the weekend past, and for opportunities for service in the days ahead. On this special night we give thanks for symbols of courage and faith that are all around us. Help us all to learn the lesson of self-fulfilling hope which these young men exemplify. Remind us daily that with faith and courage and a willingness to stick to the task at hand we can conquer not only on the playing fields, but in the larger arenas of life — so that hunger, injustice, hatred and war shall one day be overcome. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harrington, Wright, Ballenger, Rauch, and Harris of Mecklenburg for tonight and to Senator Thomas of Craven for tonight and tomorrow, April 18 and 19.

ESCORT COMMITTEE

The Chair appoints Senators Tison, Warren, and Barnes of Wayne to escort the visiting dignitaries to the Joint Session this evening.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 145, a bill to adopt a comparative fault system, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Craven:

S. B. 378, a bill concerning municipalities in Pamlico County.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Thomas of Craven:

S. B. 379, a bill to appropriate matching funds for rehabilitation of the Carteret County Courthouse.
Referred to **Appropriations Committee.**

By Senator Thomas of Craven:

S. B. 380, a bill to appropriate funds for the Hampton Mariner's Museum.
Referred to **Appropriations Committee.**

By Senator Edwards of Caldwell:

S. J. R. 381, a joint resolution directing the Legislative Research Commission to study present system of regulation and taxation of banks, savings and loans and credit unions.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Edwards of Caldwell and Kincaid:

S. B. 382, a bill to lift the moratorium on ICF and SNF beds in Mitchell County.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Ballenger:

S. B. 383, a bill to provide for the establishment of an authority to construct, maintain, and operate civic center facilities in Catawba County.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Edwards of Caldwell and Kincaid:

S. B. 384, a bill to permit the local boards of education in Avery and Watauga Counties to schedule longer school days so as to offset days lost due to inclement weather.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Plyler and Jordan:

S. B. 385, a bill to incorporate the Village of Marvin in Union County.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Royall and Hancock:

S. B. 386, a bill amending the Charter of the City of Durham.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Hancock, Gray, Jordan, Redman, and Royall:

S. B. 387, a bill to amend Article I of Chapter 87 of the General Statutes as the same relates to builders of residential housing.
Referred to **State Government/Housing Committee.**

By Senators Hancock and Royall:

S. B. 388, a bill amending G. S. 106A-456 to clarify the authority of the City of Durham to make grants and loans for the economic development of businesses serving the needs of persons of low and moderate income.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Parnell:

S. B. 389, a bill providing for the conduct of municipal elections of the Town of Pembroke by the Robeson County Board of Elections.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Allsbrook:

S. B. 390, a bill to clarify boundaries of the Weldon Graded School District.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Parnell:

S. B. 391, a bill relating to the membership of the St. Paul's City School Board.
Referred to **Local Government and Regional Affairs Committee.**

Senator Lawing moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Lawing, Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright:

S. J. R. 393, a joint resolution honoring the winning tradition of college basketball in the State of North Carolina, culminating in back to back N.C.A.A. basketball championships by the University of North Carolina Tarheels and the North Carolina State University Wolfpack.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 490 (Committee Substitute), a bill to permit payment of dividends based on the loss experience of individual policyholders in workers' compensation insurance.

Referred to **Insurance Committee.**

H. B. 649, a bill to revise the parts of Chapter 162A of the General Statutes relating to metropolitan sewerage districts.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 681, a bill to allow the Parole Commission to deny reentry parole to certain offenders.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 55, a bill to allow the Orange County Board of Elections to establish a second office to handle one-stop absentee voting.

The bill passes its second and third readings and is ordered enrolled.

S. B. 268, a bill to amend Chapter 143 of the General Statutes, Article 21, Part 8, so as to make flood control projects and all local water-based recreation projects eligible for cost-sharing.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 362, a bill to amend G. S. 75A-5 with respect to transfer of motorboat registration, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Cleveland, Hunt, Jenkins, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Henderson, Walker, Ward, Warren, White, Winner, and Woodard—39.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 440, a bill to make technical amendments to the North Carolina Pharmacy Practice Act.

The bill passes its second reading (electronically recorded).

On objection of Senator Harris of Cleveland to its third reading, the bill remains on the Calendar for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 94 (Committee Substitute), an act to place a magistrate on the Courts Commission. (Ch. 181)

S. B. 183, an act to allow Forsyth County to delegate the authority to make certain releases and refunds of property tax. (Ch. 182)

S. B. 186, an act to amend the fees charged by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Ch. 183)

S. B. 214, an act to repeal obsolete local acts relating to pay of officials of Franklin County. (Ch. 184)

H. B. 146 (Committee Substitute), an act to clarify age limits set by various criminal statutes. (Ch. 175)

H. B. 151 (Committee Substitute), an act to amend the statutes relating to public accountants. (Ch. 185)

H. B. 348, an act to add New Hanover and Durham Counties to the provisions of the General Statutes relating to attachment or garnishment and lien for ambulance service in certain counties. (Ch. 186)

H. B. 378, an act validating certain assessments of the City of Elizabeth City. (Ch. 187)

H. B. 428, an act to permit all incorporated cities and towns other than the City of Durham to levy auto taxes of not more than five dollars. (Ch. 188)

H. B. 439, an act to provide that as to the City of Gastonia, members of the City Council excused from voting shall not be included in determining the results of a vote on a zoning protest petition. (Ch. 176)

H. B. 442, an act to clarify the Board of Law Examiners' authority regarding fingerprints. (Ch. 177)

H. B. 462, an act to allow Mecklenburg County to include storm drainage repairs and improvements and street lighting as special assessments. (Ch. 189)

H. B. 482, an act to comply with the highway federal-aid requirements for proof of payment of the federal tax before issuing a State truck license. (Ch. 190)

H. B. 483, an act to allow the Lincoln County Board of Education to pay its ten-month employees on or before the fifteenth day of each month. (Ch. 178)

H. B. 501, an act to conform the election requirements for the Lincoln County Board of Education to the general election law. (Ch. 179)

H. B. 532, an act to make amendments to the High Point Career Service Law. (Ch. 180)

H. B. 629, an act to incorporate the City of Kannapolis subject to a vote of the people and to create a commission to develop its Charter. (Ch. 191)

H. J. R. 809, a joint resolution providing for a Joint Session of the Senate and House of Representatives at 7:00 P.M., Monday, April 18, 1983, for the conduct of business. (Res. 13)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 809

HOUSE OF REPRESENTATIVES
April 18, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to House Joint Resolution 809, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT 7:00 P.M., MONDAY, APRIL 18, 1983, FOR THE CONDUCT OF BUSINESS, the House of Representatives stands ready to receive the Senate in Joint Session at 7:00 P.M., Monday, April 18, 1983.

Respectfully,
S/ GRACE A. COLLINS
Principal Clerk

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House, pursuant to **H. J. R. 809.**

On motion of Senator Lawing, in accordance with **H. J. R. 809,** the Senate recesses to repair to the Hall of the House of Representatives there to sit in Joint Session, and on his further motion, upon dissolution of the Joint Session, to adjourn to meet tomorrow at 2:00 P.M.

JOINT SESSION

The Senate is received by the Members of the House of Representatives standing, and the Joint Session is called to order by the Honorable James C. Green, Lieutenant Governor.

The President of the Senate directs the escort committee to escort Dr. William C. Friday, President of the University of North Carolina System; Dr. Christopher C. Fordham, Chancellor, University of North Carolina at Chapel Hill; Dr. Bruce Poulton, Chancellor, North Carolina State University; and the coaches and basketball teams of the respective Universities to the Well of the House.

The President of the Senate relinquishes the gavel to the Speaker of the House.

Representative Adams offers a motion that the rules be suspended to allow the introduction of **H. J. R. 891,** a joint resolution honoring the winning tradition of college basketball in the State of North Carolina, culminating in back to back N.C.A.A. basketball championships by the University of North Carolina Tarheels and the North Carolina State University Wolfpack, which motion prevails.

Representative Adams offers a motion to suspend the rules to allow the joint resolution

placed before the House sitting in Joint Session for immediate consideration, which motion prevails.

H. J. R. 891 passes its second and third readings and is ordered conveyed to the Senate.

The Speaker of the House relinquishes the gavel to the President of the Senate.

Senator Lawing offers a motion to suspend the rules to allow **H. J. R. 891** placed before the Senate sitting in Joint Session for immediate consideration, which motion prevails.

H. J. R. 891 passes its second and third readings and is ordered enrolled.

The President of the Senate calls for the ratification of bills and the following joint resolution is ratified by the President of the Senate and the Speaker of the House of Representatives.

H. J. R. 891, a joint resolution honoring the winning tradition of college basketball in the State of North Carolina, culminating in back-to-back N.C.A.A. basketball championships by the University of North Carolina Tarheels and the North Carolina State University Wolfpack. (Res. 14) (See Appendix.)

The President of the Senate recognizes the following individuals who respond: President William C. Friday; Chancellor Christopher C. Fordham; John Swofford, Athletic Director for the University of North Carolina, and Jim Braddock, Captain of the 1983 University of North Carolina basketball team.

The Speaker of the House recognizes the following individuals who respond: Chancellor Bruce Poulton; Jim Valvano, Head Coach of the North Carolina State University basketball team; and Sidney Lowe, Captain of the 1983 North Carolina State University basketball team.

The President of the Senate presents congratulatory certificates to the honorees from North Carolina State University.

The Speaker of the House presents congratulatory certificates to the honorees from the University of North Carolina.

The President of the Senate presents His Excellency, Governor James B. Hunt, Jr., who speaks briefly.

On motion of Senator Lawing, seconded by Senator Royall, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate adjourns to meet tomorrow at 2:00 P.M.

SEVENTIETH DAY

SENATE CHAMBER,
Tuesday, April 19, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, Whose will for us is joy in creation, we give You thanks today for all those things You have made which gladden our hearts — for sunshine and flowers and unexpected snowflakes; for friendship and courtship and the communication of one soul with another; for small victories as well as large ones; for hope that keeps us pressing toward the goal. Teach us, Lord, how to enjoy all that You give us and especially help us to use all Your gifts wisely, so that in all we do we shall give the glory and the honor to Your Name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Rauch for today, to Senator Plyler for tomorrow, April 20, and to Senator Parnell for tomorrow and Thursday, April 20 and 21.

A leave of absence granted previously to Senator Thomas of Craven is noted.

Senator Rauch is noted present for a portion of today's Session.

The President recognizes the following pages serving in the Senate this week:

Frankie Barbee, Southport; Kim Bell, Mebane; Ellen Brewer, Durham; Kim Brown, Andrews; Hillary Chura, Monroe; Chere Graham, Matthews; Tony Hardin, Roanoke Rapids; Katherine Harper, Kings Mountain; Mike Head, Eden; Russ Hollers, Candor; Elaine James, Mebane; Beth Lawrence, Sanford; Jane Meador, Ruffin; Carmen Nordham, Charlotte; and Katherine Woody, Asheville.

INVITATION FROM THE HOUSE OF REPRESENTATIVES

North Carolina House of Representatives
Liston B. Ramsey, Speaker
Raleigh, NC 27611

April 18, 1983

The Honorable James C. Green
Lieutenant Governor
State of North Carolina
Legislative Office Building
Raleigh, North Carolina

Dear Governor Green:

You and the Members of the North Carolina Senate as well as your staff are cordially invited to the Chamber of the House of Representatives Wednesday, April 27, 1983, at 1:30 p.m. for the purpose of meeting with William C. Friday, Chairman of the North Carolina 2000 Commission who will speak on the work of that Commission.

I would appreciate hearing from you so that the appropriate number of chairs can be placed in the Chamber for the meeting.

Sincerely yours,
S/ Liston B. Ramsey, *Speaker*
House of Representatives

April 19, 1983

The Chair orders a message sent to the House of Representatives informing that Honorable Body that the Senate accepts their invitation.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee:**

H. B. 331, a bill to change the eligiblity for appointment of counsel for indigents for rehearings pursuant to Chapter 122 of the General Statutes, with a favorable report, as amended.

H. B. 332 (Committee Substitute), a bill to require reporting of all cases of abused juveniles to the district attorney, with a favorable report.

H. B. 475, a bill to have discovery papers filed with clerk only when used in proceeding, with a favorable report.

H. B. 528, a bill to amend the escheat and abandoned property laws of North Carolina, with a favorable report.

H. B. 561, a bill to validate certain acts of notaries, with a favorable report.

By Senator Hipps for the **Local Government and Regional Affairs Committee:**

S. B. 231, a bill to allow the Rutherford County Board of Commissioners to establish a county police force, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Hipps, the Committee Substitute bill is placed on the Calendar for Thursday, April 21.

S. B. 348, a bill to allow Surry County to name and assign street numbers to private roads in unincorporated areas, with a favorable report.

S. B. 349, a bill to amend the enabling act of the Greensboro–High Point Airport Authority, with a favorable report.

H. B. 375, a bill to require that all vessels in certain counties carry a personal flotation device, with a favorable report.

H. B. 449, a bill to permit local governments to dispose of property and limit the uses that may be made of the property, with a favorable report, as amended.

H. B. 486, a bill to allow Cabarrus County to establish voting precincts without regard to township boundaries, with a favorable report, as amended.

H. B. 505, a bill to amend the Charter of the City of Morganton for the purpose of permitting the mayor to vote on all issues, with a favorable report.

H. B. 506, a bill to authorize the City of Shelby to establish, operate and maintain a public market, with an unfavorable report as to bill, but favorable report as to Senate Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Hipps, the Senate Committee Substitute bill is placed on the Calendar for Thursday, April 21.

H. B. 514, a bill authorizing the Davie County Board of Commissioners to convey certain real property, with a favorable report.

H. B. 518, a bill to amend the average cost basis formula the City of Raleigh may use to assess the cost of extending water and sewer lines, with a favorable report.

H. B. 525, a bill to provide for a change in the manner of selection of the Washington City Board of Education, subject to a referendum, with a favorable report.

H. B. 573, a bill to allow the Dare County Board of Commissioners to abolish or reduce the size of the Kitty Hawk Fire Protection District, and to change the name of the District, with a favorable report.

H. B. 597, a bill to incorporate the Town of Weddington in Union County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adotped.

On motion of Senator Hipps, the Senate Committee Substitute bill is placed on the Calendar for Thursday, April 21.

H. B. 599, a bill to authorize Lenoir County to permit disposition of land for a special purpose at fair market value without competitive bidding: to permit disposition of land on the basis other than the highest monetary bid, where such disposition is found to serve the best interest of the municipality, and to dispose of property at private sale, with a favorable report.

H. B. 613, a bill to authorize the Tyrrell County Board of Commissioners to enter into certain contracts without complying with the provisions of Chapter 133 and of Article 8 of Chapter 143 of the General Statutes, with a favorable report.

H. B. 627, a bill to amend the School Budget and Fiscal Control Act as it applies to Sampson County concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years, with a favorable report.

H. B. 630, a bill restricting the use of local sales and use tax revenue in Burke County, with a favorable report.

H. B. 811, a bill to exclude certain territory from the proposed City of Kannapolis if annexed by the City of Concord, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Tally, Gray, Marvin, Plyler, Rand, Ward, and Woodard:

S. B. 392, a bill to clarify the authority to issue custody orders applicable to juveniles within the juvenile jurisdiction of the district court and the criteria for custody orders.
Referred to **Judiciary II Committee.**

Senator Royall moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a four-fifths majority vote.

By Senator Royall:

S. B. 394, a bill to remove the Western end of Bogue Banks from the Town of Emerald Isle and incorporate the removed area as the Town of Inlet Dunes.
Referred to **Local Government and Regional Affairs Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 617, a bill to impose a separate privilege license tax on persons engaged in an alarm system business licensed under the Private Protective Services Act.
Referred to **Finance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 145, a bill to adopt a comparative fault system.
Senator Barnes of Wayne offers Committee Amendment No. 2.
Senator Barnes of Wayne calls the previous question, seconded by Senator Harris of Cleveland. The call is sustained. Committee Amendment No. 2, offered by Senator Barnes of Wayne, fails of adoption (electronically recorded).
Senator Hardison offers a motion that the bill be re-referred to the **Insurance Committee,** and upon a favorable report from that Committee, re-referred to the **Appropriations Committee.** Senator Barnes of Wayne offers a substitute motion that the bill be re-referred to the **Appropriations Committee,** which motion fails to prevail (electronically recorded).
The motion offered by Senator Hardison prevails (electronically recorded) and the bill is re-referred to the **Insurance Committee.**

S. B. 188 (Committee Substitute No. 2), a bill to provide that counties and cities may not authorize the construction of buildings or structures of more than three stories or thirty-five feet high on mountain ridges at altitudes of more than twenty-nine hundred and fifty feet and providing for certain exceptions, upon third reading.
Senator Swain offers Amendment No. 1.
Without objection, the Chair orders Committee Substitute bill No. 2, with pending Amendment No. 1, recommitted to the **Judiciary I Committee.**

S. B. 253, a bill to amend Chapter 104D of the General Statutes to enter into the Southern States Energy Compact and to establish the Southern States Energy Board.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 271, a bill to amend G. S. 113-229 relating to permits, appeals, and hearings regarding dredging and filling.

On motion of Senator Hancock, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 18 (Committee Substitute), a bill to increase the maximum amount of the bond required of distributors of motor fuel and suppliers of special fuel, to require persons who are both distributors and suppliers to file a bond sufficient to cover both liabilities; and to impose personal liability upon responsible corporate officers.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 197 (Senate Committee Substitute), a bill to require all brake lights to be red and permit other lights on the rear of any motor vehicle to be amber, yellow, white, clear or red.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 210, a bill to authorize the Commissioner of Motor Vehicles to collect a fee to cover the costs of approving equipment for use on motor vehicles, upon second reading.

On motion of Senator Duncan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: Senators Allred and Kincaid—2.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 362, a bill to amend G. S. 75A-5 with respect to transfer of motorboat registration, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: Senator Harris of Mecklenburg—1.

The bill is ordered enrolled.

April 19, 1983

H. B. 440, a bill to make technical amendments to the North Carolina Pharmacy Practice Act, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 504 (Senate Committee Substitute), a bill to prohibit hunting from Highway 306 in Craven County.

On motion of Senator Ward, the Senate Committee Substitute bill is recommitted to the **Natural and Economic Resources and Wildlife Committee.**

H. B. 529, a bill to allow the personal representative in certain situations to withdraw from joint bank deposits without obtaining a tax waiver from the Secretary of Revenue.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 55, an act to allow the Orange County Board of Elections to establish a second office to handle one-stop absentee voting. (Ch. 192)

On motion of Senator Lawing, seconded by Senator Barnes of Wayne, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTY-FIRST DAY

SENATE CHAMBER,
Wednesday, April 20, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Glenn Miller, Associate Minister of First Presbyterian Church, Raleigh, as follows:

"Father, we thank You that You are concerned in all the affairs of men, that You are more pleased with our reflection of Your love, grace and truth in our so-called 'secular' affairs than You are with our going through the motions of religious ritual and worship. We thank You that You are here now, and ask that each of us might know the presence of Your Spirit, the freeing power of Your love, and the guidance of Your truth. Yet, Lord, we confess that we have conflicting forces waging war even within our individual lives and at times find ourselves troubled and confused over what is right. The legislative battles on this floor merely reflect the internal conflict that each of us at times feels. Guide us as individuals and as a legislative Body, that we might sort through all the peripheral garbage to the heart of the real issue, and that in so doing we might address that issue with the wisdom, understanding, and trust that Your Spirit brings. Then, Lord, give us the courage to act not in political expediency but in the way that You would have us act, the way we know deep inside to be right. Father, we ask that You bless us here today to the degree that we are willing to open ourselves up to listen and follow Your still small voice deep within our lives. In Your Holy Name we pray. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Barnes of Wayne for today; to Senators Hancock and Tison for tomorrow and Friday, April 21 and 22; and to Senator Marvin for Friday, April 22.

Leaves of absence granted previously to Senators Parnell and Plyler are noted.

On motion of Senator Lawing, the rules are suspended to welcome the Honorable Ninna Rasio, First Secretary and Minister of Foreign Affairs for Sweden and to allow her to approach the Well of the Senate where she addresses the Membership.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senators Duncan and Rauch for the **Finance Committee:**

S. B. 254, a bill to allow the governing body of Gaston County or its municipalities to contract with banks and other financial institutions for receipt of payment of property taxes, with a favorable report, as amended.

H. B. 427, a bill to modify the conditions of an assessment on yam producers which may be authorized in a producers' referendum, with a favorable report.

By Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 240, a bill to amend the Right to a Natural Death Act, with a favorable report.

On motion of Senator Harris of Cleveland, the bill is placed on the Calendar for Monday, April 25.

H. B. 719, a bill to clarify the Department of Correction's authority to provide treatment and training programs for mentally retarded prisoners, with a favorable report.

On motion of Senator Harris of Cleveland, the bill is re-referred to the **Judiciary III/Law Enforcement and Criminal Justice Committee.**

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

S. B. 194, a bill to rewrite certain of the forest laws of North Carolina, with a favorable report.

S. B. 269, a bill to reform certain administrative procedures of the Environmental Management Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Craven, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Thomas of Craven, the Committee Substitute bill is placed on the Calendar for Tuesday, April 26.

S. B. 356, a bill to revise the lease fees pertaining to shellfish leases, with a favorable report.

On motion of Senator Thomas of Craven, the bill is re-referred to the **Finance Committee.**

H. B. 572, a bill to prohibit hunting from roads in part of Perquimans County, with a favorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. J. R. 258, a joint resolution authorizing continuation of the Joint Special Committee to Review the Department of Transportation, with a favorable report.

S. J. R. 260, a joint resolution designating Wilmington as an international city, with a favorable report.

S. J. R. 340, a joint resolution directing the North Carolina Courts Commission to study the Judicial Divisions of the Superior Court Division of the General Court of Justice, with a favorable report.

H. J. R. 410, a joint resolution memorializing Congress to assure that federal lands currently designated as United States Forest and Park lands in North Carolina remain in public ownership, with a favorable report.

By Senator Staton for the **State Government Committee:**

S. B. 37, a bill to establish a Computer Commmission and to give this Commission authority over information processing, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Staton, the Committee Substitute bill is placed on the Calendar for Friday, April 22.

S. B. 256, a bill authorizing the qualified voters of the Town of Beech Mountain to determine whether beer and wine may be sold in that Town, with a favorable report, as amended.

S. B. 295, a bill to make dependents of members of the Armed Forces listed as missing in action during the Vietnam era who are admitted to any State institution of higher education eligible for in-state tuition, with a favorable report.

S. B. 299, a bill to remove retirement age restrictions in the unorganized militia and the North Carolina State Defense Militia, with a favorable report.

On motion of Senator Staton, the bill is placed on the Calendar for Tuesday, April 26.

S. B. 300, a bill to revise the procedures for nonjudicial punishment and summary courts-martial in the North Carolina National Guard, with a favorable report, as amended.

On motion of Senator Staton, the bill is placed on the Calendar for Tuesday, April 26.

S. B. 301, a bill to adopt the use of the current manual for courts-martial, with a favorable report, as amended.

On motion of Senator Staton, the bill is placed on the Calendar for Tuesday, April 26.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Harris of Mecklenburg:

S. B. 395, a bill to amend the Constitution and the General Statutes to provide for the election of the members of the State Board of Education by the General Assembly and to make the Office of the Superintendent of Public Instruction appointive.
Referrred to **Judiciary II/Constitutional Amendments Committee.**

By Senator Harris of Mecklenburg:

S. B. 396, a bill to improve North Carolina's system of elementary and secondary education by clarifying the State's system of educational finance and assisting units of local government in meeting public school funding responsibilities.
Referred to **Finance Committee.**

By Senator Harris of Mecklenburg:

S. B. 397, a bill to upgrade the quality of elementary and secondary schools in North Carolina by revising the State's system of employment of instructional and supervisory personnel in the public schools.
Referred to **Education Committee.**

By Senators Daniels, Guy, Soles, and Thomas of Craven:

S. B. 398, a bill to provide additional funding for temporary openings of shellfish growing waters.
Referred to **Appropriations Committee.**

By Senators Allred, Ballenger, Davis, Harris of Mecklenburg, Kincaid, Redman, Staton, Tally, Thomas of Craven, and Wright:

S. B. 399, a bill to provide for an eleventh salary grade for classroom teachers with a "G" certificate.
Referred to **Education Committee.**

By Senator Allred:

S. B. 400, a bill to appropriate funds for the second annual Bright Leaf Hoedown in Caswell County.
Referred to **Appropriations Committee.**

By Senators Royall and Hardison:

S. B. 401, a bill appropriating funds to the Secretary of State.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

April 20, 1983

H. B. 228 (Committee Substitute), a bill to stay development under CAMA permits while requests for appeals are pending.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 683, a bill to rewrite G. S. 20-217 pertaining to passing stopped school buses and receiving or discharging passengers from school buses stopped on divided roadways.

Referred to **Ways and Means/Transportation Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 348, a bill to allow Surry County to name and assign street numbers to private roads in unincorporated areas.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 349, a bill to amend the enabling act of the Greensboro-High Point Airport Authority, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 210, a bill to authorize the Commissioner of Motor Vehicles to collect a fee to cover the costs of approving equipment for use on motor vehicles, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Rand, Rauch, Redman, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Woodard—44.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 331, a bill to change the eligibility for appointment of counsel for indigents for rehearings pursuant to Chapter 122 of the General Statutes.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 332 (Committee Substitute), a bill to require reporting of all cases of abused juveniles to the district attorney.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 375, a bill to require that all vessels in certain counties carry a personal flotation device.

The bill passes its second and third readings and is ordered enrolled.

H. B. 449, a bill to permit local governments to dispose of property and limit the uses that may be made of the property.

On motion of Senator Swain, Committee Amendment No. 1 is adopted, which changes the bill from a public bill to a local bill, upon concurrence.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 475, a bill to have discovery papers filed with clerk only when used in proceeding.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 486, a bill to allow Cabarrus County to establish voting precincts without regard to township boundaries.

On motion of Senator Marion, Committee Amendment No. 1 is adopted, changing the title, upon concurrence.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 505, a bill to amend the Charter of the City of Morganton for the purpose of permitting the mayor to vote on all issues.

The bill passes its second and third readings and is ordered enrolled.

H. B. 514, a bill authorizing the Davie County Board of Commissioners to convey certain real property.

The bill passes its second and third readings and is ordered enrolled.

H. B. 518, a bill to amend the average cost basis formula the City of Raleigh may use to assess the cost of extending water and sewer lines, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 525, a bill to provide for a change in the manner of selection of the Washington City Board of Education, subject to a referendum, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of

Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 528, a bill to amend the escheat and abandoned property laws of North Carolina.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 561, a bill to validate certain acts of notaries.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 573, a bill to allow the Dare County Board of Commissioners to abolish or reduce the size of the Kitty Hawk Fire Protection District, and to change the name of the District.

The bill passes its second and third readings and is ordered enrolled.

H. B. 599, a bill to authorize Lenoir County to permit disposition of land for a special purpose at fair market value without competitive bidding: to permit disposition of land on the basis other than the highest monetary bid, where such disposition is found to serve the best interest of the municipality, and to dispose of property at private sale.

The bill passes its second and third readings and is ordered enrolled.

H. B. 613, a bill to authorize the Tyrrell County Board of Commissioners to enter into certain contracts without complying with the provisions of Chapter 133 and of Article 8 of Chapter 143 of the General Statutes.

The bill passes its second and third readings and is ordered enrolled.

H. B. 627, a bill to amend the School Budget and Fiscal Control Act as it applies to Sampson County concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years.

The bill passes its second and third readings and is ordered enrolled.

H. B. 630, a bill restricting the use of local sales and use tax revenue in Burke County.

The bill passes its second and third readings.

Senator Kincaid requests to be recorded voting "no."

Seantor Rauch moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

Senator Rauch moves that the vote by which the bill passed its second reading be reconsidered, which motion prevails.

The Chair rules the bill requires a call of the roll. The bill remains before the Senate upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Rand, Rauch, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, White, Winner, Woodard, and Wright—40.

Voting in the negative: Senators Allred, Kincaid, and Redman—3.

The bill remains on the Calendar upon third reading.

H. B. 811, a bill to exclude certain territory from the proposed City of Kannapolis if annexed by the City of Concord, upon second reading.

On motion of Senator Hipps, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill, as amended, remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 152, an act to prohibit cities from levying a privilege license tax on persons engaged in the business of pest control. (Ch. 193)

H. B. 362, an act to amend G. S. 75A-5 with respect to transfer of motorboat registration. (Ch. 194)

H. B. 432, an act to clarify a married woman's domicile for tax purposes. (Ch. 195)

H. B. 440, an act to make technical amendments to the North Carolina Pharmacy Practice Act. (Ch. 196)

H. B. 512, an act relating to use of lists of licensed drivers for jury duty, and the number of names on the jury list. (Ch. 197)

H. B. 529, an act to allow the personal representative in certain situations to withdraw from joint bank deposits without obtaining a tax waiver from the Secretary of Revenue. (Ch. 198)

On motion of Senator Jenkins, seconded by Senator Tison, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTY-SECOND DAY

SENATE CHAMBER,
Thursday, April 21, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Gracious God, we acknowledge our need for Your leadership in our lives both public and private, and pray that You will help us to remain open to the leading of Your Spirit. Whether we are making laws for the State, or laying down the law to our children, it is not always easy for us to know what is right. Whether our budget decisions involve tens of millions of dollars or tens of dollars, we need wisdom and discernment to make the right choices. Help us to be open, O God, even when Your word to us is one we do not want to hear, and grant us the good sense to follow where You are leading us — believing and trusting that Your will for us is always good. Amen"

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Staton, Harris of Mecklenburg, and Davis for today and to Senators Rand and Harris of Meckenburg for tomorrow, April 22.

Leaves of absence granted previously to Senators Tison, Hancock, and Parnell are noted.

Senator Davis is noted present for a portion of today's Session.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 630

HOUSE OF REPRESENTATIVES
April 21, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body requesting the return of H. B. 630, A BILL TO BE ENTITLED AN ACT RESTRICTING THE USE OF LOCAL SALES AND USE TAX REVENUE IN BURKE COUNTY, for further consideration by the House of Representatives.

Respectfully,
S/ GRACE A. COLLINS
Principal Clerk

On motion of Senator Lawing, the bill is taken from today's Calendar and placed before the Senate for immediate consideration.

Senator Lawing moves that the vote by which the bill passed its second reading be reconsidered, which motion prevails.

Senator Lawing offers a motion that the Senate return the bill to the House of Representatives pursuant to their request for further consideration which motion prevails. The bill is ordered returned to the House of Representatives by special messenger.

RE-REFERRAL

H. B. 671, a bill to allow apprentice and registered cosmetologists from other states to be admitted to practice cosmetic art in North Carolina through reciprocity.

On motion of Senator Rauch the bill is taken from the **Finance Committee** and re-referred to the **State Government Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 117 (House Committee Substitute), a bill to increase the membership of the State Banking Commission and to subject the appointment of the Commissioner of Banks to confirmation by the General Assembly, with an unfavorable report, as to concurrence.

On motion of Senator Edwards of Caldwell, the rules are suspended and the House Committee Substitute for the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Edwards of Caldwell, the Senate fails to concur in the House Committee Substitute bill (electronically recorded).

Senator Edwards of Caldwell moves that the President appoint conferees, which motion prevails. The President appoints Senator Edwards of Caldwell, Chairman; Duncan, and Hardison as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 366, a bill to raise the maximum interest rate on loans from the State Literary Fund, with a favorable report.

By Senator Speed for the **Education Committee:**

S. B. 374, a bill for a program for basic and vocational skills at grades seven and eight, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 188 (Committee Substitute No. 2), a bill to provide that counties and cities may not authorize the construction of buildings or structures of more than three stories or thirty-five feet high on mountain ridges at altitudes of more than twenty-nine hundred and fifty feet and providing for certain exceptions, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Committee Substitutue bill No. 3.

On motion of Senator Allsbrook, the rules are suspended and Committee Substitute bill No. 3 is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill No. 3 is adopted.

On motion of Senator Allsbrook, the Committee Substitute bill No. 3 is placed on the Calendar for Tuesday, April 26.

S. B. 350, a bill to provide that day-care facilities operated by or under the supervision of churches, synagogues, or schools of religious charter shall not be required to obtain licenses but shall be subject to day-care standards for health and safety, with a favorable report.

By Senator Soles for the **Judiciary II Committee:**

H. B. 413, a bill to make amendments to the Equitable Distribution Act, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

April 21, 1983

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for Monday, April 25.

H. B. 414, a bill to allow the court to enjoin the disposal of marital property pending institution of an equitable distribution action, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for Monday, April 25.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 53, a bill to provide for the seizure of any motor vehicle being driven by a person who is driving under the influence of alcoholic beverages or drugs, with an unfavorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. B. 275, a bill to establish a statewide lottery in North Carolina after a binding referendum, with a favorable report, as amended.

On motion of Senator Lawing, the bill is re-referred to the **Judiciary II Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Edwards of Caldwell:

S. B. 402, a bill to make certain revisions and additions to the credit union law.

Referred to **Banking Committee.**

By Senator Edwards of Caldwell:

S. B. 403, a bill to rewrite Article 15 of Chapter 54 of the General Statutes pertaining to corporate credit unions.

Referred to **Banking Committee.**

Senator Rand moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senators Rand, Childers, Daniels, Davis, Edwards of Caldwell, Gray, Hancock, Hardison, Hipps, Jordan, Marvin, Plyler, Royall, Soles, Tally, Ward, Warren, Winner, and Woodard:

S. B. 404, a bill to clarify statutory provisions regarding good conduct time credits in reduction of prison sentences.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

Senator White moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a four-fifths majority vote (electronically recorded).

By Senator White:

S. B. 405, a bill to permit persons to engage in business as a pawnbroker in unincorporated areas of Pitt County.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Hancock, Childers, Hardison, Harris of Mecklenburg, Marvin, Rand, Rauch, Royall, Swain, Thomas of Craven, Thomas of Henderson, and Walker:

S. B. 406, a bill to limit the length of General Assembly Sessions, to organize the Sessions and interim committee work in an efficient manner and to provide for a continuing study of General Assembly organization and procedure.
Referred to **State Government Committee.**

By Senators Swain and Hancock:

S. B. 407, a bill to require appellate counsel for indigent noncapital criminal defendant to make certain certifications in order to be paid for appeal.
Referred to **Judiciary I Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 263 (House Committee Substitute), a bill to amend Chapter 53 of the General Statutes of North Carolina relating to banks, for concurrence in the House Committee Substitute bill.
On motion of Senator Edwards of Caldwell, the rules are suspended (electronically recorded), and the House Committee Substitute bill is placed before the Senate for immediate consideration.
On motion of Senator Edwards of Caldwell, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

H. B. 226 (Committee Substitute), a bill to provide for State review of local government sponsored CAMA minor development projects.
Referred to **State Government Committee.**

H. B. 458, a bill to amend the North Carolina Constitution to require that district attorneys and the Attorney General be licensed to practice law.
Referred to **Judiciary II/Constitutional Amendments Committee.**

H. B. 585, a bill regarding jurisdiction of the Pinehurst Police.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 593, a bill to authorize day-care licensing inspections.
Referred to **Human Resources Committee.**

H. B. 608, a bill to provide an additional member on the Edgecombe County Board of Education and to provide for the nomination and election of members of the Edgecombe County Board of Education.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 611, a bill to provide that the compensation of the Cumberland County Board of

Education will be set by general law.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 680, a bill to require county directors of social services to respond to requests for consent to separate an infant from its parent.

Referred to **Judiciary II Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 194, a bill to rewrite certain of the forest laws of North Carolina.

The bill passes its second reading (electronically recorded).

Senator Barnes of Wayne objects to the third reading of the bill.

On motion of Senator Allsbrook, the bill remains on the Calendar for Tuesday, April 26, upon third reading.

S. B. 231 (Committee Substitute), a bill to allow the Rutherford County Board of Commissioners to establish a county police force.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 254, a bill to allow the governing body of Gaston County or its municipalities to contract with banks and other financial institutions for receipt of payment of property taxes.

On motion of Senator Marvin, Committee Amendments Nos. 1 and 2 are adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 256, a bill authorizing the qualified voters of the Town of Beech Mountain to determine whether beer and wine may be sold in that Town.

On motion of Senator Kincaid, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

Senator Marion requests to be recorded voting "no."

S. J. R. 258, a joint resolution authorizing continuation of the Joint Special Committee to Review the Department of Transportation.

The joint resolution passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. J. R. 260, a joint resolution designating Wilmington as an international city.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 295, a bill to make dependents of members of the Armed Forces listed as missing in action during the Vietnam era who are admitted to any State institution of higher education eligible for in-state tuition.

Senator Barnes of Forsyth offers Amendment No. 1 which is adopted, changing the title to read, **S. B. 295,** a bill to make dependents of members of the Armed Forces currently listed as missing in action during the Vietnam Era who are admitted to any State institution of higher education eligible for in-State tuition.

Senator Redman offers Amendment No. 2 which he subsequently withdraws.

On motion of Senator Barnes of Forsyth, the bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S. J. R. 340, a joint resolution directing the North Carolina Courts Commission to study the Judicial Divisions of the Superior Court Division of the General Court of Justice.

The joint resolution passes its second reading (electronically recorded).

On objection of Senator Woodard to its third reading, the joint resolution remains on the Calendar for further consideration.

Senator Wright requests to be excused from voting for the stated reason: "Had to leave Session for personal reasons."

S. B. 349, a bill to amend the enabling act of the Greensboro–High Point Airport Authority, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H. J. R. 410, a joint resolution memorializing Congress to assure that federal lands currently designated as United States Forest and Park lands in North Carolina remain in public ownership.

The joint resolution passes its second (electronically recorded) and third readings and is orderd enrolled.

Senator Wright requests to be excused from voting for the stated reason: "Had to leave Session for personal reasons."

H. B. 427, a bill to modify the conditions of an assessment on yam producers which may be authorized in a producers' referendum, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Childers, Daniels, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 506 (Senate Committee Substitute), a bill to authorize the City of Shelby to establish, operate and maintain a public market.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 518, a bill to amend the average cost basis formula the City of Raleigh may use to assess the cost of extending water and sewer lines, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 525, a bill to provide for a change in the manner of selection of the Washington City Board of Education, subject to a referendum, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 572, a bill to prohibit hunting from roads in part of Perquimans County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 597 (Senate Committee Substitute), a bill to incorporate the Town of Weddington in Union County, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar upon third reading.

H. B. 811, a bill to exclude certain territory from the proposed City of Kannapolis if annexed by the City of Concord, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 110, an act to permit the State Board of Elections to adopt the findings of a county board of elections and order a new election without duplicating the public hearing held by the county board. (Ch. 210)

H. B. 332 (Committee Substitute), an act to require reporting of all cases of abused juveniles to the district attorney. (Ch. 199)

H. B. 375 an act to require that all vessels in certain counties carry a personal flotation device. (Ch. 200)

H. B. 475, an act to have discovery papers filed with clerk only when used in proceeding. (Ch. 201)

H. B. 505, an act to amend the Charter of the City of Morganton for the purpose of permitting the mayor to vote on all issues. (Ch. 202)

H. B. 514, an act authorizing the Davie County Board of Commissioners to convey certain real property. (Ch. 203)

H. B. 528, an act to amend the escheat and abandoned property laws of North Carolina. (Ch. 204)

H. B. 561, an act to validate certain acts of notaries. (Ch. 205)

H. B. 573, an act to allow the Dare County Board of Commissioners to abolish or reduce the size of the Kitty Hawk Fire Protection District, and to change the name of the District. (Ch. 206)

H. B. 599, an act to authorize Lenoir County to permit disposition of land for a special purpose at fair market value without competitive bidding: to permit disposition of land on the basis other than the highest monetary bid, where such disposition is found to serve the best interest of the municipality, and to dispose of property at private sale. (Ch. 207)

H. B. 613, an act to authorize the Tyrrell County Board of Commissioners to enter into certain contracts without complying with the provisions of Chapter 133 and of Article 8 of Chapter 143 of the General Statutes. (Ch. 208)

H. B. 627, an act to amend the School Budget and Fiscal Control Act as it applies to Sampson County concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years. (Ch. 209)

On motion of Senator Lawing, seconded by Senator Allred, the Senate adjourns to meet tomorrow at 11:00 A.M.

April 21, 1983

SEVENTY-THIRD DAY

SENATE CHAMBER,
Friday, April 22, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God of compassion, we thank You for Your presence among us this week, for Your teaching, Your leading, Your inspiration. For what we may have said and done in our lives these past days that has been contrary to Your will, we beg Your forgiveness and ask that You will show us a better way. For all that we have accomplished that has been faithful to Your will we give thanks to the Spirit who has led us. As we prepare now for a period of rest, refreshment and worship, we pray that You will continue to watch over us, and will speak to us in the quieter moments of our lives, that we may return renewed and invigorated to do Your will in this place. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Marion, Staton, Soles, Rauch, and Kincaid for today and to Senator Jordan for Monday, April 25.

Leaves of absence granted previously to Senators Tison, Hancock, Marvin, Harris of Mecklenburg, Rand, and Thomas of Henderson are noted.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Staton:

S. B. 408, a bill to amend the law governing plumbing and heating contractors to redefine "heating, group number three" and "contractor."
Referred to **Manufacturing, Labor and Commerce Committee.**

By Senators Thomas of Henderson and Hipps:

S. J. R. 409, a joint resolution honoring the brave life of Anthony Clyde Corn.
Referred to **Rules and Operation of the Senate Committee.**

Senator Johnson moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Johnson:

S. B. 410, a bill relating to public obligations in registered form.
Referred to **Banking Committee.**

Senator Johnson moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Johnson:

S. B. 411, a bill to permit the issuance of revenue bonds and revenue notes by the State of North Carolina and agencies thereof as hereinafter authorized by the General Assembly.

Referred to **Finance Committee.**

By Senators Plyler, Alford, Allsbrook, Childers, Daniels, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hardison, Harris of Cleveland, Jenkins, Jordan, Kincaid, Marion, Parnell, Rand, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Ward, Warren, and White:

S. B. 412, a bill to increase the legislative supplemental tuition grant.

Referred to **Appropriations Committee.**

By Senators Edwards of Guilford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Woodard, and Wright:

S. B. 413, a bill to delete the requirement that county superintendents of schools be approved by the State Board of Education and the Superintendent of Public Instruction.

Referred to **Education Committee.**

By Senators Edwards of Guilford, Alford, Barnes of Wayne, Childers, Davis, Guy, Harrington, Hipps, Lawing, Plyler, Redman, Speed, Staton, and Warren:

S. B. 414, a bill to provide an assistant apiculturist for the Department of Entomology at North Carolina State University.

Referred to **Appropriations Committee.**

By Senators Childers, Alford, Davis, Edwards of Guilford, Gray, Guy, Hardison, Hunt, Johnson, Marvin, Plyler, Royall, Swain, Tally, Ward, Warren, White, and Winner:

S. B. 415, a bill to give noncertified school personnel the same salary increment as certified personnel and to appropriate funds for that purpose.

Referred to **Appropriations Committee.**

By Senator Harris of Cleveland and Woodard:

S. B. 416, a bill to remove the sales tax on death certificates.

Referred to **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 144 (Committee Substitute), a bill to remove mental retardation from the conditions prohibiting a person from work in a day-care center.

Referred to **Human Resources Committee.**

H. B. 157, a bill relating to the certification of elections which are contested.
Referred to **State Government/Election Laws Committee.**

H. B. 236 (Committee Substitute), a bill requiring deferral of imprisonment of pregnant defendants convicted of nonviolent crimes.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 477, a bill to increase the fine for illegally parking in a properly designated handicapped parking space.
Referred to **Ways and Means/Transportation Committee.**

H. B. 499, a bill to increase motor vehicle accident reporting limits.
Referred to **Judiciary II Committee.**

H. B. 598, a bill to exempt the Division of Mental Health, Mental Retardation and Substance Abuse Services from the Social Services Commission's Title XX rule making authority.
Referred to **Human Resources Committee.**

H. B. 665, a bill to amend the Corporation Income Tax Act to provide for solar tax credits for corporations engaged in service as well as manufacturing businesses.
Referred to **Finance Committee.**

H. B. 666, a bill to amend the Individual Income Tax Act to provide for solar tax credits for individuals' service as well as manufacturing businesses.
Referred to **Finance Committee.**

H. B. 669, a bill to establish responsibility for dirt, mud, and other debris on public roadways and sidewalks as a result of construction.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 676, a bill to amend the definition of catchment area.
Referred to **Human Resources Committee.**

H. B. 711, a bill to specifically include money used in drug dealing as property subject to forfeiture under the Controlled Substances Act.
Referred to **Judiciary II Committee.**

H. B. 713, a bill to make technical corrections to various statutes affecting criminal law.
Referred to **Judiciary II Committee.**

H. B. 765, a bill to allow Princeville to enter into contracts for the redevelopment of land, dispose of land at private sale and allowing the town to approve a nonprofit corporation which may issue bonds and lend the proceeds to a developer, relating to redevelopment.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 788, a bill to allow the Mayor of the City of New Bern to vote on all matters before the Board of Aldermen.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

April 22, 1983

S. B. 37 (Committee Substitute), a bill to establish a Computer Commission and to give this Commission authority over information processing.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. J. R. 340, a joint resolution directing the North Carolina Courts Commission to study the Judicial Divisions of the Superior Court Division of the General Court of Justice, upon third reading.

Senator Woodard offers Amendment No. 1 which is adopted (electronically recorded).

The joint resolution, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 350, a bill to provide that day-care facilities operated by or under the supervision of churches, synagogues, or schools of religious charter shall not be required to obtain licenses but shall be subject to day-care standards for health and safety.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 366, a bill to raise the maximum interest rate on loans from the State Literary Fund.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 374, a bill for a program for basic and vocational skills at grades seven and eight.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 427, a bill to modify the conditions of an assessment on yam producers which may be authorized in a producers' referendum, as amended, upon third reading.

The bill, as amended passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Martin, Parnell, Plyler, Redman, Royall, Speed, Tally, Thomas of Craven, Walker, Ward, Warren, White, Winner, Woodard, and Wright—37.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 597 (Senate Committee Substitute), a bill to incorporate the Town of Weddington in Union County, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Martin, Parnell, Plyler, Redman, Royall, Speed, Swain, Tally, Thomas of Craven, Walker, Ward, Warren, White, Winner, Woodard, and Wright—38.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 55, an act to set fee limits for the Board of Nursing Home Administrators. (Ch. 215)

S. B. 126, an act to amend the Presidential Preference Primary Act to allow choosing of an allocation formula which reflects the division of votes but does not require exact proportional representation. (Ch. 216)

S. B. 169, an act to revise procedures of the Board of Podiatry Examiners. (Ch. 217)

S. B. 173, an act to provide that counties which maintain voter records on electronic data processing equipment provide discs or tapes to State parties on the same schedule as lists to county parties. (Ch. 218)

S. B. 263, an act to amend Chapter 53 of the General Statutes of North Carolina relating to banks. (Ch. 214)

H. B. 400, an act to restrict the United States Government's ability to force counties to house federal prisoners in the county jail without adequate financial compensation and space consideration. (Ch. 219)

H. J. R. 410, a joint resolution memorializing Congress to assure that federal lands currently designated as United States Forest and Park lands in North Carolina remain in public ownership. (Res. 15)

H. B. 518, an act to amend the average cost basis formula the City of Raleigh may use to assess the cost of extending water and sewer lines. (Ch. 211)

H. B. 525, an act to provide for a change in the manner of selection of the Washington City Board of Education, subject to a referendum. (Ch. 212)

H. B. 572, an act to prohibit hunting from roads in part of Perquimans County. (Ch. 213)

On motion of Senator Lawing, seconded by Senator Davis, the Senate adjourns to meet Monday, at 6:59 P.M.

SEVENTY-FOURTH DAY

SENATE CHAMBER,
Monday, April 25, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Billy Yawn, Pastor of Everett's Chapel Free Will Baptist Church, Clayton, as follows:

"Our Heavenly Father, in this moment of reverence, we turn our minds upward toward Thee. Our hearts are humbled by Thy greatness. All the world belongs to Thee, but in this moment here in Raleigh, North Carolina, we pray for physical strength, moral courage, and wisdom of divine dimensions. Help us to more clearly see our duty, and after having seen it, to do it with all haste.

"We pray for the understanding of our people, those who earnestly look to this representative body for answers, which are not always pleasing to everyone. We pray that the greatest amount of good can come from this group, while at the same time each member will develop a deeper sense of commitment, dignity, and self worth because of the rightness of our actions. In Jesus' Name, Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Speed for tonight and tomorrow, April 25 and 26, due to hospitalization, and to Senator Harris of Cleveland for tomorrow, April 26.

A leave of absence granted previously to Senator Jordan is noted.

The President recognizes the following pages serving in the Senate this week:

Margaret Barrett, Buies Creek; De Clark, Clarkton; Robbie Clark, Clarkton; Rosie Clark, Clarkton; Gary Cofield, Raleigh; Larry Creech, Raleigh; Debbie Davison, Raleigh; Jeannette Duckworth, Raleigh; Susan Ford, Kinston; Ashley Gossett, Kings Mountain; Patrick Howard, Concord; Suzy Humphries, Monroe; Martha Porter, Salemburg; Karen Ray, Winston-Salem; Sherry Sasser, Kinston; Kevin Smith, Advance; and Denise Williams, Raleigh.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Craven:

S. B. 417, a bill to appropriate funds for a wildlife boating access area at Cedar Island.
Referred to **Appropriations Committee.**

By Senator Walker:

S. B. 418, a bill to amend the law regarding the use of public buildings to reflect that political parties now hold annual meetings, and to restrict use only if it interferes with school functions and activities.
Referred to **State Government/Election Laws Committee.**

By Senator Thomas of Craven:

S. B. 419, a bill regarding reversion of funds appropriated for a study of the White Oak River for Fiscal Year 1982-83.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 49 (House Committee Substitute), a bill relating to the initial appointment of notaries public, for concurrence in the House Committee Substitute which changes the title to read, **S. B. 49,** a bill relating to the appointment of notaries public.
Referred to **State Government Committee.**

H. B. 255 (Committee Substitute), a bill to amend Chapter 74C, the Private Protective Services Act.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 291 (Committee Substitute), a bill to provide that the New Hanover County Board of Commissioners shall be elected from districts and only the qualified voters of the district shall vote for that district seat, and to expand the Board to seven seats, subject to a referendum.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 292 (Committee Substitute), a bill to provide that the Wilmington City Council shall be elected from districts and only the qualified voters of the district shall vote for that district seat; and to change the form of election to partisan; subject to referendum.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 523, a bill to amend the Motor Vehicles Equipment Inspection Law.
Referred to **Ways and Means/Transportation Committee.**

H. B. 527, a bill making honorable discharge from the military a mitigating factor under the Fair Sentencing Act.
Referred to **State Government/Veterans and Military Affairs Committee.**

H. B. 570, a bill to amend the Charter of the City of Raleigh, concerning reservation of sites and concerning street construction.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 604 (Committee Substitute), a bill to amend the statutes concerning various boards and commissions in the Department of Correction.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 630, a bill restricting the use of local sales and use tax revenue in Burke County.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 647, a bill regarding discounts for payments of property tax in Surry County.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 653, a bill to clarify a putative father's right to notice of an adoption.
Referred to **Judiciary II Committee.**

H. B. 674, a bill to control the exploration for uranium in the State of North Carolina.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 689, a bill to insure privacy of area mental health, mental retardation and substance abuse authority employee personnel records.
Referred to **Human Resources Committee.**

H. B. 784, a bill to amend the Beach Access Program relating to land acquisition.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 789, a bill to authorize a unit of local government to provide a discount for special assessment payments made within thirty days of the due date.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 823, a bill to prohibit hunting from certain roads in Camden County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 240, a bill to amend the Right to a Natural Death Act.
The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 413 (Senate Committee Substitute), a bill to make amendments to the Equitable Distribution Act.
On motion of Senator Soles, the Senate Committee Substitute bill is recommitted to the **Judiciary II Commmittee.**

H. B. 414 (Senate Committee Substitute), a bill to allow the court to enjoin the disposal of marital property pending institution of an equitable distribution action.
On motion of Senator Soles, the Senate Committee Substitute bill is recommitted to the **Judiciary II Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 245, an act to amend administrative provisions of the marine fisheries act to make a technical change. (Ch. 221)

S. B. 246, an act to amend G. S. Chapter 143, Article 38 so as to eliminate outmoded provisions concerning the State Stream Sanitation Committee and the Board of Water Resources, and an obsolete reference to the sand dune law. (Ch. 222)

H. B. 18 (Committee Substitute), an act to increase the maximum amount of the bond required of distributors of motor fuel and suppliers of special fuel, to require persons who are both distributors and suppliers to file a bond sufficient to cover both liabilities; and to impose personal liability upon responsible corporate officers. (Ch. 220)

On motion of Senator Lawing, seconded by Senator Wright, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, April 26, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Odell Walker, Minister of the First United Methodist Church, Clinton, as follows:

"Eternal Father, You have called us to 'Be still and know that you are God.' Grant unto each of us that quality of 'stillness before you.' Through that 'stillness' in these moments of prayer may it take us beyond the formality of custom to become a real experience of seeking through prayer — Your guidance, wisdom and sufficiency for this and every time of need.

"We bring before You this body of leaders for our great State. Grant unto them unwearying patience, unclouded vision and unfaltering concern, so that they may know Your wisdom in their decisions, Your understanding in their deliberations and Your concern in their judgements.

"As the unseen One present amid every choice, may the votes cast by this Body express Your will in such a manner as to make it Your joy to bless and affirm their actions with the approval of 'well done good and faithful servants.'

"In the Name of God and Father of us all. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Edwards of Caldwell and Plyler for today.

Leaves of absence granted previously to Senators Speed and Harris of Cleveland are noted.

The Chair extends courtesies of the floor to Carl J. Totherow, former Senator from Forsyth County, and to Paul S. Smith, former Senator from Rowan County.

CONSENT TO APPOINTMENTS

Senator White, Chairman of the **Agriculture Committee,** submits the following report:

REPORT OF SENATE AGRICULTURE COMMITTEE ON APPOINTMENT TO THE STATE BOARD OF AGRICULTURE

The Senate Committee on Agriculture, which has been charged by the Lieutenant Governor with the duty of inquiring into the qualifications and fitness of persons appointed by the Governor in cases where appointments are subject to consent by the Senate of the General Assembly, reports as follows:

The Senate Agriculture Committee recommends that in compliance with G. S. 106-2, that the members of the Senate vote to give consent to the following appointments of the Governor to membership on the State Board of Agriculture:

Sam McLawhorn of Pitt County
reappointed for a term expiring April 4, 1989.

J. L. Parker, Jr. (Piggy) of Bertie County
reappointed for a term expiring April 4, 1989.

L. Calvin Ross of Guilford County
appointed for a term expiring April 4, 1989.

S/ VERNON E. WHITE
Senate Agriculture Committee

On motion of Senator White, the Senate adopts the recommendations of the **Agriculture Committee** and consents to the appointments of Sam McLawhorn, J. L. Parker, Jr., and L. Calvin Ross as members of the State Board of Agriculture by roll-call vote, ayes 41, and noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Rand, Rauch, Redman, Royall, Soles, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—41.

Voting in the negative: None.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 331

HOUSE OF REPRESENTATIVES
April 25, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to House Bill 331, A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELIGIBILITY FOR APPOINTMENT OF COUNSEL FOR INDIGENTS FOR REHEARINGS PURSUANT TO CHAPTER 122 OF THE GENERAL STATUTES, and requests conferees.

Respectfully,
S/ GRACE A. COLLINS
Principal Clerk

RE-REFERRAL

S. B. 360, a bill to appropriate funds for the support of the North Carolina Dance Theater.

On motion of Senator Marion the bill is taken from the **Local Government and Regional Affairs Committee** and re-referred to the **Appropriations Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Higher Education Committee:**

H. B. 468, a bill to revise the procedures for nomination of candidates to the State Board of Community Colleges, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on her further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Tally, the Senate Committee Substitute bill is placed on the Calendar for Thursday, April 28.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 407, a bill to require appellate counsel for indigent noncapital criminal defendant to make certain certifications in order to be paid for appeal, with a favorable report, as amended.

By Senator Soles for the **Judiciary II Committee:**

H. B. 414 (Senate Committee Substitute), a bill to allow the court to enjoin the disposal of marital property pending institution of an equitable distribution action, with a favorable report, as amended.

H. B. 415, a bill to make clear that personal jurisdiction may be obtained by service by publication, with a favorable report.

H. B. 499, a bill to increase motor vehicle accident reporting limits, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee:**

S. B. 352, a bill to change the boundary between the Fairmont City and Robeson County Administrative School Units, with a favorable report, as amended.

S. B. 353, a bill to revise and consolidate the Charter of the Town of Murfreesboro and to repeal prior local acts, with a favorable report.

S. B. 362, a bill to provide for partisan elections for the Town of Woodfin, with a favorable report.

S. B. 365, a bill to raise the compensation of the Moore County Board of Education, with a favorable report.

S. B. 369, a bill to permit the Nash County Board of Commissioners to appropriate additional funds for industrial development, with a favorable report.

S. B. 375, a bill to provide a procedure for the filling of vacancies in elective office in the Town of China Grove, with a favorable report.

On motion of Senator Marion, the bill is re-referred to the **Judiciary I Committee.**

S. B. 386, a bill amending the Charter of the City of Durham, with a favorable report, as amended.

S. B. 388, a bill amending G. S. 160A-456 to clarify the authority of the City of Durham to make grants and loans for the economic development of businesses serving the needs of persons of low and moderate income, with a favorable report.

S. B. 390, a bill to clarify boundaries of the Weldon Graded School District, with a favorable report.

S. B. 405, a bill to permit persons to engage in business as a pawnbroker in unincorporated areas of Pitt County, with a favorable report.

H. B. 466, a bill to amend the Charter of the City of Statesville, with a favorable report.

H. B. 495, a bill exempting from the provisions of Article 12, Chapter 160A, of the General Statutes of North Carolina, the County of Iredell, as to leases or sales of real estate owned by it known as the Lowrance Hospital property and the personal property used for the hospital and medical care purposes, with a favorable report.

H. B. 500, a bill to allow Central Piedmont Community College to lease certain property, with a favorable report.

H. B. 531, a bill to repeal the authorization for a Greenville Cemetery Purchase Fund, and to authorize transfer of monies from that Fund, with a favorable report.

H. B. 540, a bill to include three satellite areas within the corporate limits of the City of Lenoir, with a favorable report.

H. B. 553, a bill to abolish the Tar River Port Commission, with a favorable report.

H. B. 562, a bill to provide for filing and notice of election to the Columbus County Board of Education and the Whiteville City Board of Education, with a favorable report.

H. B. 566, a bill to authorize the City of Fayetteville to exercise certain land acquisition and disposal procedures, with a favorable report.

H. B. 576, a bill to reapportion the New Bern–Craven County Board of Education and to reduce its size from twelve to seven members, with a favorable report.

H. B. 600, a bill to increase the membership of the Industrial Development Commission for Stanly County, with a favorable report.

H. B. 601, a bill to provide that the Stanly County Board of Commissioners may designate a commissioner to serve ex officio on the Stanly County Airport Authority, with a favorable report.

H. B. 606, a bill to allow Wilson County to lease hospital facilities for longer than ten years, to resolve a conflict between two statutes, with a favorable report.

H. B. 635, a bill exempting from the provisions of Article 12, Chapter 160A of the General Statutes of North Carolina, the County of Edgecombe as to leases or sales of real estate owned or hereafter owned by it for the use and benefit of the Edgecombe County Development Corporation or by such corporation itself, with a favorable report.

H. B. 647, a bill regarding discounts for payments of property tax in Surry County, with a favorable report.

H. B. 662, a bill to change the jurisdiction of the Roanoke Voyages Corridor Commission, with a favorable report.

H. B. 707, a bill to allow Hertford County to sell certain industrial property at private sale, with a favorable report.

H. B. 739, a bill to repeal Fayetteville Civil Service Commission, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Rauch moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Rauch:

S. B. 420, a bill to require numbering of all vessels.
Referred to **Finance Committee.**

Senator Rauch moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Rauch:

S. B. 421, a bill to make technical changes to the community college laws.
Referred to **Higher Education Committee.**

Senator Rauch moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Rauch and Woodard:

S. B. 422, a bill to increase and impose certain fees relating to the practice of cosmetic art.
Referred to **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 53 (Committee Substitute), a bill to make amendments concerning the Advisory Budget Commission and other boards to implement the recommendations of the Committee on Separation of Powers.
Referred to **Judiciary I Committee.**

H. B. 194 (Committee Substitute), a bill to amend the power to confer law enforcement powers on special conservation officers.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 307 (Committee Substitute), a bill to authorize the use of local or federal funds to purchase real property by the area mental health, mental retardation and substance abuse authorities.

Referred to **Human Resources Committee.**

H. J. R. 417, a joint resolution memorializing the life and work of Hardy Talton.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 503 (Committee Substitute), a bill setting the date for valuation of property divided under equitable distribution.

Referred to **Judiciary I Committee.**

H. B. 723 (Committee Substitute), a bill to specify when a processing fee may be charged for checks sent by mail and when a collection agency may collect a processing fee for returned checks.

Referred to **Judiciary II Committee.**

H. B. 780, a bill to improve the enforcement of day-care licensing.

Referred to **Human Resources Committee.**

H. B. 808, a bill to exclude new employees of certain licensing and examining boards, employee and teacher associations, and private not-for-profit corporations from the membership of the Teachers' and State Employees' Retirement System of North Carolina.

Referred to **Pensions and Retirement Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 331

HOUSE OF REPRESENTATIVES
April 26, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body that the Speaker has appointed Representatives Hackney, Chairman; Barnes, DeVane as conferees on H. B. 331, A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELIGIBILITY FOR APPOINTMENT OF COUNSEL FOR INDIGENTS FOR REHEARINGS PURSUANT TO CHAPTER 122 OF THE GENERAL STATUTES, to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE A. COLLINS
Principal Clerk

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 188 (Committee Substitute No. 3), a bill to provide that counties and cities may not authorize the construction of buildings or structures of more than three stories or thirty-five feet high on mountain ridges at altitudes of more than twenty-nine hundred and fifty feet and providing for certain exceptions.

The Committee Substitute bill No. 3 passes its second reading (electronically recorded).

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

Senator Jenkins offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill No. 3, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 194, a bill to rewrite certain of the forest laws of North Carolina, upon third reading.

On motion of Senator Jordan, consideration of the bill is postponed until Wednesday, April 27.

S. B. 269 (Committee Substitute), a bill to reform certain administrative procedures of the Environmental Management Commission.

Senator Duncan requests a fiscal note.

The Chair orders the Committee Substitute bill placed on the Calendar for Thursday, April 28, with a fiscal note.

On motion of Senator Duncan the Committee Substitute bill is taken from the Calendar for Thursday, April 28 and is placed on the Calendar for immediate consideration.

Senator Duncan withdraws his request for a fiscal note.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 299, a bill to remove retirement age restrictions in the unorganized militia and the North Carolina State Defense Militia.

The bill passes its second reading (electronically recorded).

On objection of Senator Warren to its third reading, the bill remains on the Calendar for further consideration.

S. B. 300, a bill to revise the procedures for nonjudicial punishment and summary courts-martial in the North Carolina National Guard.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 301, a bill to adopt the use of the current manual for courts-martial.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

REMOVAL FROM COMMITTEE

H. J. R. 417, a joint resolution memorializing the life and work of Hardy Talton.

On motion of Senator Barnes of Wayne the rules are suspended (electronically recorded) and the joint resolution is taken from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 210, an act to authorize the Commissioner of Motor Vehicles to collect a fee to cover the costs of approving equipment for use on motor vehicles. (Ch. 223)

H. B. 449, an act to permit local governments to dispose of property and limit the uses that may be made of the property. (Ch. 224)

H. B. 486, an act to allow Cabarrus and Stokes Counties to establish voting precincts without regard to township boundaries. (Ch. 225)

On motion of Senator Lawing, seconded by Senator Davis, the Senate adjourns to meet tomorrow at 1:15 P.M.

SEVENTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, April 27, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Most Reverend F. Joseph Gossman, Roman Catholic Bishop of Raleigh.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a continuing leave of absence to Senator Speed, due to hospitalization.

Senator Rauch is noted present for a portion of today's Session.

Pursuant to the acceptance by the Senate on April 19 of the invitation to hear the address of Dr. William Friday, Chairman of the Commission of the Future of North Carolina, and the Report of the Commission, the Chair declares the Senate in recess to receive the Report, after which the Senate will resume the consideration of further business.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

APPOINTMENT OF CONFEREES

H. B. 331, a bill to change the eligibility for appointment of counsel for indigents for rehearings pursuant to Chapter 122 of the General Statutes.

Senator Edwards of Guilford moves that the President appoint conferees, which motion prevails. The President appoints Senators Edwards of Guilford, Chairman, Soles, and Johnson as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RE-REFERRAL

S. B. 375, a bill to provide a procedure for the filling of vacancies in elective office in the Town of China Grove.

On motion of Senator Davis, the rules are suspended and the bill is taken from the **Judiciary I Committee** and is placed on the Calendar for tomorrow, Thursday, April 28.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris of Cleveland for the **Human Resources Committee:**

H. B. 593, a bill to authorize day-care licensing inspections, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

S. B. 357, a bill to revise the license provisions pertaining to marine fisheries and to repeal the seafood tax, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Craven, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Thomas of Craven, the Committee Substitute bill is re-referred to the **Finance Committee.**

H. B. 223, a bill authorizing the Coastal Resources Commission to set a fee of up to one hundred dollars for a CAMA major development permit, with a favorable report.

On motion of Senator Thomas of Craven, the bill is re-referred to the **Finance Committee.**

H. B. 225, a bill to modify the membership of the Coastal Resources Advisory Council, with a favorable report.

H. B. 504 (Senate Committee Substitute), a bill to prohibit hunting from Highway 306 in Craven County, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No.2.

On motion of Senator Thomas of Craven, the rules are suspended and Senate Committee Substitute bill No. 2, which changes the title to read **H. B. 504** (Senate Committee Substitute No. 2), a bill to prohibit hunting from designated highways and State secondary roads in Craven County is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill No. 2 is adopted.

On motion of Senator Thomas of Craven, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Friday, April 29.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. J. R. 332, a joint resolution directing the North Carolina Courts Commission to study the problem of the North Carolina Court of Appeals' case overload, with a favorable report.

By Senator Staton for the **State Government/Election Laws Committee:**

S. B. 157, a bill to authorize high school librarians to register voters, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill which changes the title to read **S. B. 157** (Committee Substitute), a bill to authorize high school employees designated by the school board and appointed by the county board of elections to register voters, is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Staton, the Committee Substitute bill is placed on the Calendar for Friday, April 29.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Kincaid:

S. B. 423, a bill to prohibit plea bargaining on second or subsequent offenses of driving under the influence and reckless driving.

Referred to **Judiciary I Committee.**

By Senators Plyler, Alford, Allred, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Caldwell, Gray, Guy, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Marion, Marvin, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Ward, Warren, and Woodard:

S. B. 424, a bill relating to the motor vehicle dealers and manufacturers licensing law.

Referred to **Judiciary I Committee.**

By Senators Childers and Davis:

S. B. 425, a bill to appropriate funds for continued restoration and major artifact purchase for Spencer Shops State Historic Site.

Referred to **Appropriations Committee.**

By Senators Ballenger, Kincaid, and Redman:

S. B. 426, a bill providing that the State charge tuition at the North Carolina School of Science and Mathematics.

Referred to **Education Committee.**

By Senator Lawing:

S. B. 427, a bill to create the Auctioneer Recovery Fund.

Referred to **Finance Committee.**

By Senator Hardison:

S. B. 428, a bill to appropriate funds to the Department of Cultural Resources to renovate the old Art Museum Building, 107 East Morgan Street, as the Interpretation/ Education Center of the North Carolina Museum of History.
Referred to **Appropriations Committee.**

By Senators Swain, Allred, Allsbrook, Ballenger, Barnes of Wayne, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris od Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marvin, Parnell, Rand, Rauch, Redman, Royall, Soles, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Woodard, and Wright:

S. B. 429, a bill to provide payment for attorneys or guardians ad litem for certain persons.
Referred to **Judiciary I Committee.**

By Senators Swain, Allred, Allsbrook, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Parnell, Rand, Rauch, Redman, Royall, Soles, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright:

S. B. 430, a bill creating a program of early parole for nondangerous prisoners who consent to complete service of their terms through community service.
Referred to **Judiciary I Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 177, a bill providing compensation for innocent victims of crime.
Referred to **Judiciary II Committee.**

H. B. 616 (Committee Substitute), a bill regarding retention and destruction of library books in Dare County.
Referred to **Judiciary II Committee.**

H. B. 810, a bill to allow the Speaker of the House and the President of the Senate to authorize studies by standing committees and to create and appoint select committees of the General Assembly, and to make technical amendments.
Referred to **Rules and Operation of the Senate Committee.**

H. B. 907, a bill to set a convening date for the 1985 Session of the General Assembly.
Referred to **State Government Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 194, a bill to rewrite certain of the forest laws of North Carolina, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

S. B. 299, a bill to remove retirement age restrictions in the unorganized militia and the North Carolina State Defense Militia, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

S. B. 352, a bill to change the boundary between the Fairmont City and Robeson County Administrative School Units.

On motion of Senator Parnell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 353, a bill to revise and consolidate the Charter of the Town of Murfreesboro and to repeal prior local acts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Woodard, and Wright—40.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

S. B. 362, a bill to provide for partisan elections for the Town of Woodfin.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 365, a bill to raise the compensation of the Moore County Board of Education.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 369, a bill to permit the Nash County Board of Commissioners to appropriate additional funds for industrial development.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 386, a bill amending the Charter of the City of Durham.

On motion of Senator Royall, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Woodard, and Wright—40.

Voting in the negative: None.

The bill, as amended, remains on the Calendar upon third reading.

S. B. 388, a bill amending G. S. 160A-456 to clarify the authority of the City of Durham to make grants and loans for the economic development of businesses serving the needs of persons of low and moderate income.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 390, a bill to clarify boundaries of the Weldon Graded School District.

On motion of Senator Marion, the bill is recommitted to the **Local Government and Regional Affairs Committee.**

S. B. 405, a bill to permit persons to engage in business as a pawnbroker in unincorporated areas of Pitt County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 407, a bill to require appellate counsel for indigent noncapital criminal defendant to make certain certifications in order to be paid for appeal.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

On motion of Senator Hancock, the bill, as amended, is recommitted to the **Judiciary I Committee.**

H. B. 414 (Senate Committee Substitute), a bill to allow the court to enjoin the disposal of marital property pending institution of an equitable distribution action.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Senate Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Senate Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 415, a bill to make clear that personal jurisdiction may be obtained by service by publication.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 466, a bill to amend the Charter of the City of Statesville, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Woodard, and Wright—40.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 495, a bill exempting from the provisions of Article 12, Chapter 160A, of the General Statutes of North Carolina, the County of Iredell, as to leases or sales of real estate owned by it known as the Lowrance Hospital property and the personal property used for the hospital and medical care purposes.

The bill passes its second and third readings and is ordered enrolled.

H. B. 499, a bill to increase motor vehicle accident reporting limits.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 500, a bill to allow Central Piedmont Community College to lease certain property.

The bill passes its second and third readings and is ordered enrolled.

H. B. 531, a bill to repeal the authorization for a Greenville Cemetery Purchase Fund, and to authorize transfer of monies from that Fund.

The bill passes its second and third readings and is ordered enrolled.

H. B. 540, a bill to include three satellite areas within the corporate limits of the City of Lenoir, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Woodard, and Wright—40.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 553, a bill to abolish the Tar River Port Commission.

The bill passes its second and third readings and is ordered enrolled.

H. B. 562, a bill to provide for filing and notice of election to the Columbus County Board of Education and the Whiteville City Board of Education.

The bill passes its second and third readings and is ordered enrolled.

H. B. 566, a bill to authorize the City of Fayetteville to exercise certain land acquisition and disposal procedures.

The bill passes its second and third readings and is ordered enrolled.

H. B. 576, a bill to reapportion the New Bern–Craven County Board of Education and to reduce its size from twelve to seven members.

The bill passes its second and third readings and is ordered enrolled.

H. B. 600, a bill to increase the membership of the Industrial Development Commission for Stanly County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 601, a bill to provide that the Stanly County Board of Commissioners may designate a commissioner to serve ex officio on the Stanly County Airport Authority.

The bill passes its second and third readings and is ordered enrolled.

H. B. 606, a bill to allow Wilson County to lease hospital facilities for longer than ten years, to resolve a conflict between two statutes.

The bill passes its second and third readings and is ordered enrolled.

H. B. 635, a bill exempting from the provisions of Article 12, Chapter 160A of the General Statutes of North Carolina, the County of Edgecombe as to leases or sales of real estate owned or hereafter owned by it for the use and benefit of the Edgecombe County

Development Corporation or by such corporation itself.
The bill passes its second and third readings and is ordered enrolled.

H. B. 647, a bill regarding discounts for payments of property tax in Surry County.
The bill passes its second and third readings and is ordered enrolled.

H. B. 662, a bill to change the jurisdiction of the Roanoke Voyages Corridor Commission.
The bill passes its second and third readings and is ordered enrolled.

H. B. 707, a bill to allow Hertford County to sell certain industrial property at private sale.
The bill passes its second and third readings and is ordered enrolled.

H. B. 739, a bill to repeal Fayetteville Civil Service Commission.
The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. J. R. 417, a joint resolution memorializing the life and work of Hardy Talton. (Res. 16)

H. B. 506 (Senate Committee Substitute), an act to authorize the City of Shelby to establish, operate and maintain a public market. (Ch. 226)

H. B. 811, an act to exclude certain territory from the proposed City of Kannapolis if annexed by the City of Concord. (Ch. 227)

On motion of Senator Lawing, seconded by Senator Childers, the Senate adjourns to meet tomorrow at 2:00 P.M.

SEVENTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, April 28, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Dr. Thomas E. Corts, President of Wingate College.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Wright for today and to Senators Wright, Winner, Hipps and Marvin for tomorrow, April 29.

A leave of absence granted previously to Senator Speed is noted.

On motion of Senator Lawing, the rules are suspended to allow Al Landry of Lions International courtesies of the floor. Senator Lawing briefly recognizes the efforts of Mr. Landry on his "Journey for Sight" (fundraising efforts of Lions International). Mr. Landry briefly responds.

REMOVAL OF ENDORSEMENT

S. B. 323, a bill to change the method of execution in this State from administration of lethal gas to administration of lethal drugs.

Without objection, Senator Hunt is allowed to withdraw her endorsement of the bill (electronically recorded).

RE-REFERRAL

H. B. 228 (Committee Substitute), a bill to stay development under CAMA permits while requests for appeals are pending.

On motion of Senator Hancock, the bill is taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **State Government Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 410, a bill relating to public obligations in registered form, with a favorable report.

By Senator Barnes of Wayne for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

S. B. 235, a bill to reinstate the felony charge and punishment for second escapes and to clarify a youthful offender escape provision, with a favorable report.

H. B. 472, a bill to authorize the disposition of contraband confiscated from prisoners, with a favorable report, as amended.

By Senator Childers for the **Manufacturing, Labor and Commerce Committee:**

S. B. 408, a bill to amend the law governing plumbing and heating contractors to redefine "heating, group number three" and "contractor," with a favorable report.

By Senator Plyler for the **Pensions and Retirement Committee:**

S. B. 248, a bill to amend Chapter 899 of the Session Laws of 1953 relating to investments and monthly benefits under the Greensboro Firemen's Supplemental Reitrement System, with a favorable report.

S. B. 277, a bill to change the waiting period for retirement refunds in the Local Governmental Employees' Retirement System, Teachers' and State Employees' Retirement System, and Uniform Judicial Retirement System, with a favorable report.

By Senators Harrington and Thomas of Henderson for the **Ways and Means/ Transportation Committee:**

S. B. 58, a bill to amend G. S. 20-286(11) relating to the definition of motor vehicle dealer, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Henderson, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Thomas of Henderson, the Committee Substitute bill is placed on the Calendar for Monday, May 2.

S. B. 259, a bill to amend G. S. 20-7.1 relating to change of address on operator's license, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Henderson, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 259,** a bill to amend G. S. 20-7.1 relating to change of address on operator's license, learner's permits and special identification cards, is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Thomas of Henderson, the Committee Substitute bill is re-referred to the **Finance Committee.**

S. B. 298, a bill to allow issuance of fictitious drivers' licenses and registration plates for alcohol law enforcement agents, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Henderson, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 298,** a bill to allow issuance of fictitious drivers' licenses and registration plates for alcohol law enforcement agents and Divsion of Motor Vehicles law enforcement personnel, is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Thomas of Henderson, the Committee Substitute bill is placed on the Calendar for Monday, May 2.

S. B. 306, a bill to permit consular or diplomatic plates to be issued to accredited persons without regard to their country of nationality, with a favorable report.

H. B. 196, a bill to amend G. S. 20-57(e) pertaining to the Division issuing certificate of titles and registration cards, with a favorable report.

H. B. 209, a bill to exempt tow dollies from certificate of title and registration requirements for motor vehicles, with a favorable report, as amended.

H. B. 285, a bill providing that personalized plates for commercial vehicles shall not have the word "commercial" on them and regulating the replacement of registration plates, with a favorable report.

H. B. 342, a bill to permit alternative markings on vehicles transporting dangerous articles that stop at railroad crossings, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 625, a bill to allow the Asheville City Board of Education to pay its ten-month employees on or before the tenth day of each month.

Referred to **Local Government and Regional Affairs Committee.**

H. J. R. 660, a joint resolution with respect to the work of the Commission on the Future of North Carolina.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 815, a bill to permit the appointment of two at-large members of the Aeronautics Council.

Referred to **Ways and Means/Transportation Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Thomas of Craven moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a four-fifths majority vote (electronically recorded).

By Senator Thomas of Craven:

S. B. 431, a bill to clarify that condominiums in the Town of Atlantic Beach shall be considered to be tracts of five acres or less for the purpose of the annexation law.

Referred to **Local Government and Regional Affairs Committee.**

Senator Thomas of Craven moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a four-fifths majority vote (electronically recorded).

By Senator Thomas of Craven:

S. B. 432, a bill to prohibit bear hunting with dogs in Pamlico County.

Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Hancock:

S. B. 433, a bill to provide that the guardian ad litem appointed for a juvenile alleged abused or neglected may petition for termination of parental rights.

Referred to **Judiciary II Committee.**

By Senator Hancock:

S. B. 434, a bill regarding confidential communications between physician and patient.

Referred to **Judiciary II Committee.**

By Senator Hancock:

S. B. 435, a bill to provide an income tax credit for adaptive devices and equipment for the handicapped.

Referred to **Finance Committee.**

By Senator Hancock:

S. B. 436, a bill to provide for the licensing of persons practicing occupational therapy.

Referred to **Human Resources Committee.**

By Senator Rauch:

S. B. 437, a bill to provide incentive pay for State employees for gains in economy and efficiency in the rendering of govenmental services.

Referred to **Appropriations Committee.**

By Senators Martin, Childers, Davis, Duncan, Edwards of Guilford, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Rand, Rauch, Redman, Tally, Walker, Winner, and Woodard:

S. B. 438, a bill to prohibit a person age eighteen to twenty-one from driving after consuming alcohol or drugs and providing punishments.

Referred to **Judiciary II Committee.**

By Senator Martin:

S. B. 439, a bill to abolish the death penalty.

Senator Harris of Cleveland, seconded by Senator Hardison, offers a motion that the bill do lie upon the table.

Senator Davis requests to be excused from voting for the stated reason: "I introduced **S. B. 323** which deals with the method of administering capital punishment." The request of Senator Davis is allowed by the Senate (electronically recorded).

Senator Soles offers a motion to suspend the rules to allow debate on the motion of Senator Harris of Cleveland to table the bill, which motion is ruled out of order.

Senator Soles, seconded by Senator Gray, offers a motion that the Senate do now adjourn, which motion fails to prevail (electronically recorded).

The motion of Senator Harris of Cleveland that the bill do lie upon the table prevails (electronically recorded). The bill lies upon the table.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. J. R. 332, a joint resolution directing the North Carolina Courts Commission to study the problem of the North Carolina Court of Appeals' case overload.

The joint resolution passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 353, a bill to revise and consolidate the Charter of the Town of Murfreesboro and to repeal prior local acts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, and Winner—43.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S. B. 375, a bill to provide a procedure for the filling of vacancies in elective office in the Town of China Grove.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 386, a bill amending the Charter of the City of Durham, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, and Winner—43.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

H. B. 225, a bill to modify the membership of the Coastal Resources Advisory Council.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 414 (Senate Committee Substitute), a bill to allow the court to enjoin the disposal of marital property pending institution of an equitable distribution action, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 466, a bill to amend the Charter of the City of Statesville, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, and Winner—43.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 468 (Senate Committee Substitute), a bill to revise the procedures for nomination of candidates to the State Board of Community Colleges.

Senator Royall offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Jordan to its third reading, the Senate Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 540, a bill to include three satellite areas within the corporate limits of the City of Lenoir, upon third reading.

On motion of Senator Edwards of Caldwell, consideration of the bill is postponed until Tuesday, May 3.

H. B. 593, a bill to authorize day-care licensing inspections.

Senator Thomas of Henderson offers a motion that the bill be taken from today's Calendar and re-referred to the **Ways and Means/Small Business Committee** with a fiscal note prepared.

Senator Tison offers a motion that the Senate do now adjourn, which motion fails to prevail for lack of second.

The motion of Senator Thomas of Henderson fails to prevail (electronically recorded).

Without objection, the Chair orders the bill removed from today's Calendar and placed on the Calendar for Tuesday, May 3, with a fiscal note attached.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 127 (Committee Substitute), an act to make clarifying and procedural changes to the law regarding education for children with special needs. (Ch. 247)

S. B. 220, an act to repeal the marketing of farmers stock peanuts act, the North Carolina Meat Grading Law, and an unconstitutional provision of the marketing and branding farm products act. (Ch. 248)

H. B. 197 (Senate Committee Substitute), an act to require all brake lights to be red and permit other lights on the rear of any motor vehicle to be amber, yellow, white, clear or red. (Ch. 245)

H. B. 415, an act to make clear that personal jurisdiction may be obtained by service by publicaton. (Ch. 231)

H. B. 427, an act to modify the conditions of an assessment on yam producers which may be authorized in a producers' referendum. (Ch. 246)

H. B. 495, an act exempting from the provisions of Article 12, Chapter 160A, of the General Statutes of North Carolina, the County of Iredell, as to leases or sales of real estate owned by it known as the Lowrance Hospital property and the personal property used for the hospital and medical care purposes. (Ch. 228)

H. B. 499, an act to increase motor vehicle accident reporting limits. (Ch. 229)

H. B. 500, an act to allow Central Piedmont Community College to lease certain property. (Ch. 230)

H. B. 531, an act to repeal the authorization for a Greenville Cemetery Purchase Fund, and to authorize transfer of monies from that Fund. (Ch. 232)

H. B. 553, an act to abolish the Tar River Port Commission. (Ch. 233)

H. B. 562, an act to provide for filing and notice of election to the Columbus County Board of Education and the Whiteville City Board of Education. (Ch. 234)

H. B. 566, an act to authorize the City of Fayetteville to exercise certain land acquisition and disposal procedures. (Ch. 235)

H. B. 576, an act to reapportion the New Bern–Craven County Board of Education and to reduce its size from twelve to seven members. (Ch. 236)

H. B. 600, an act to increase the membership of the Industrial Development Commission for Stanly County. (Ch. 237)

H. B. 601, an act to provide that the Stanly County Board of Commissioners may designate a commissioner to serve ex officio on the Stanly County Airport Authority. (Ch. 238)

H. B. 606, an act to allow Wilson County to lease hospital facilities for longer than ten years, to resolve a conflict between two statutes. (Ch. 239)

H. B. 635, an act exempting from the provisions of Article 12, Chapter 160A of the General Statues of North Carolina, the County of Edgecombe as to leases or sales of real estate owned or hereafter owned by it for the use and benefit of the Edgecombe County Development Corporation or by such corporation itself. (Ch. 240)

H. B. 647, an act regarding discounts for payments of property tax in Surry County. (Ch. 241)

H. B. 662, an act to change the jurisdiction of the Roanoke Voyages Corridor Commission. (Ch. 242)

H. B. 707, an act to allow Hertford County to sell certain industrial property at private sale. (Ch. 243)

H. B. 739, an act to repeal Fayetteville Civil Service Commission. (Ch. 244)

On motion of Senator Lawing, seconded by Senator Royall, the Senate adjourns to meet tomorrow at 11:00 A.M.

SEVENTY-EIGHTH DAY

SENATE CHAMBER,
Friday, April 29, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, we remember the heroes and heroines of the past who conquered through Your power even though the forces arrayed against them seemed overwhelming. Remind us daily that such power is available to us whenever we are working to accomplish Your will, and that we too can be victorious despite the odds. We pray for Your protection and guidance in our private and our public lives. Awaken our faith, strengthen our resolve, enlighten our minds to make us people who live to praise You every day in word and in action. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Tally, Soles, Jordan, Thomas of Henderson and Rauch for today.

Leaves of absence granted previously to Senators Speed, Wright, Winner, Hipps, and Marvin are noted.

Senator Royall is noted present for a portion of today's Session.

The President grants courtesies of the floor to Eugene W. Merritt, former Representative from New Hanover County.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 117
(House Committee Substitute)

HOUSE OF REPRESENTATIVES
April 29, 1983

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Sub for S.C.S. for S. B. No. 117, A BILL ENTITLED TO BE AN ACT TO INCREASE THE MEMBERSHIP OF THE STATE BANKING COMMISSION AND TO SUBJECT THE APPOINTMENT OF THE COMMISSIONER OF BANKS TO CONFIRMATION BY THE GENERAL ASSEMBLY, the Speaker has appointed as conferees on the part of the House, Representatives Charles Evans, Chairman, Paul Pulley, Ruth Cook to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Walker:

S. B. 440, a bill to allow the line for income tax checkoff to the North Carolina Election Campaign Fund to appear anywhere on the front face of the return.
Referred to **Finance Committee.**

By Senator Walker:

S. B. 441, a bill to remove the ceiling on the North Carolina Election Campaign Fund so as to allow all money designated by taxpayers to be used.
Referred to **Finance Committee.**

By Senator Ballenger:

S. B. 442, a bill to appropriate funds for the preservation of Claremont High School for use as a county arts center.
Referred to **Appropriations Committee.**

By Senator Barnes of Forsyth:

S. B. 443, a bill to extend for two years the time for compliance by insurers with the law

regarding the amount of capital and/or surplus required for the formation and organization of companies.

Referred to **Insurance Committee.**

By Senator Edwards of Caldwell:

S. B. 444, a bill to make motorcycle helmet usage voluntary rather than mandatory.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Edwards of Caldwell and Ballenger:

S. J. R. 445, a joint resolution requesting the Legislative Research Commission to study the procedure for incorporating municipalities.

Referred to **Rules and Operation of the Senate Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 873, a bill amending G. S. 160A-456 to clarify the authority of the City of Durham to make grants and loans for the economic development of businesses serving the needs of persons of low and moderate income.

On motion of Senator Hancock, the rules are suspended, and the bill is placed before the Senate for immediate consideration (electronically recorded).

The bill passes its second and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 186 (Committee Substitute No. 2), a bill to amend Chapter 110 of the General Statutes to establish procedures for the provision of nonrecipient services as required by federal law.

Referred to **Judiciary II Committee.**

H. B. 370 (Committee Substitute), a bill to provide a licensing program for Hospices.

Referred to **Human Resources Committee.**

H. B. 578, a bill to provide that the Wake County ABC Board consist of five members.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 636, a bill to allow Clay County to dispose of certain property at private sale.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 637, a bill to allow the County of Graham to exchange property with the United States Forest Service.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 638, a bill to raise the force account construction limit for Macon County.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 643, a bill to amend the dam safety law relating to the definition of the term "dam."

Referred to **Public Utilities and Energy Committee.**

H. B. 828, a bill to limit the applicability of a proposed school supplement tax in Transylvania County.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 858, a bill to delete New Hanover County from the provisions of the General Statutes relating to vacancies on boards of commissioners in certain counties.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 862, a bill to amend the Charter and related laws of the City of Wilmington to clarify procedures relating to special use districts and special use permits.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 863, a bill to amend the Charter of the City of Wilmington to revise certain ordinance procedures.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 864, a bill to repeal previous New Hanover County local acts concerning taxing and regulation of professional bondsmen, and establishing a law library.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 874, a bill to allow the City of Durham to comply with minimum minority and/or women's business enterprise participation requirements.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 887, a bill to amend the Charter of the City of Durham, by adding provisions relating to fair housing.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 157 (Committee Substitute), a bill to authorize high school employees designated by the school board and appointed by the County Board of Elections to register voters.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Allsbrook to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 235, a bill to reinstate the felony charge and punishment for second escapes and to clarify a youthful offender escape provision.

On motion of Senator Rand, consideration of the bill is postponed until Tuesday, May 3.

S. B. 248, a bill to amend Chapter 899 of the Session Laws of 1953 relating to investments and monthly benefits under the Greensboro Firemen's Supplemental Retirement System.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 277, a bill to change the waiting period for retirement refunds in the Local Governmental Employees' Retirement System, Teachers' and State Employees' Retirement System, and Uniform Judicial Retirement System.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 306, a bill to permit consular or diplomatic plates to be issued to accredited persons without regard to their country of nationality.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 408, a bill to amend the law governing plumbing and heating contractors to redefine "heating, group number three" and "contractor."

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 410, a bill relating to public obligations in registered form.

The Chair rules the bill requires a call of the roll.

The bill passes its second reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hunt, Jenkins, Johnson, Lawing, Marion, Martin, Parnell, Plyler, Rand, Staton, Swain, Tison, Walker, Ward, Warren, White, and Woodard—33.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 196, a bill to amend G. S. 20-57(e) pertaining to the Division issuing certificate of titles and registration cards.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 209, a bill to exempt tow dollies from certificate of title and registration requirements for motor vehicles.

Without objection, the Chair orders the bill placed on the Calendar for Monday, May 2.

H. B. 285, a bill providing that personalized plates for commerical vehicles shall not have the word "commercial" on them and regulating the replacement of registration plates.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 342, a bill to permit alternative markings on vehicles transporting dangerous articles that stop at railroad crossings.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 468 (Senate Committee Substitute), a bill to revise the procedures for nomination of candidates to the State Board of Community Colleges, as amended, upon third reading.

Without objection, the Chair orders the Senate Committee Substitute bill, as amended, placed on the Calendar for Monday, May 2, upon third reading.

H. B. 472, a bill to authorize the disposition of contraband confiscated from prisoners.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill, as amended, remains on the Calendar for further consideration.

H. B. 504 (Senate Committee Substitute No. 2), a bill to prohibit hunting from designated highways and State secondary roads in Craven County.

The Committee Substitute bill No. 2 passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 101, an act to make first and second degree sex offenses nondivertible offenses for juvenile complaints. (Ch. 251)

H. B. 225, an act to modify the membership of the Coastal Resources Advisory Council. (Ch. 249)

H. B. 466, an act to amend the Charter of the City of Statesville. (Ch. 250)

On motion of Senator Lawing, seconded by Senator Hancock, the Senate adjourns to meet Monday at 7:30 P.M.

SEVENTY-NINTH DAY

SENATE CHAMBER,
Monday, May 2, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, in accordance with Your plan You have called us to service — some as teachers, some as judges, some as administrators, some as legislators. Remind all of us who serve You that we also serve a public trust that calls us to obedience beyond hope for personal gain. We confess, O Lord, that it is often difficult for us to find and do Your will amid the noise of those who clamor for our attention. As we begin this week, we ask once more for Your wisdom and Your courage that we may do our best on behalf of those who have called us to be their servants. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Rand and Ballenger for tonight.

Senator Speed is noted present.

The President recognizes the following pages serving in the Senate this week:

Mary Hunt Adkins, Lexington; Janet Banning, Rocky Mount; Christy Callison, Forest City; Sabre Foster, Monroe; Adrai Fuller, Yanceyville; Tracy Godwin, Raleigh; Mary

Harper, Winston-Salem; Alyson Hyman, Raleigh; Melissa Perrell, Lexington; Kristy Pulley, Raleigh; Amy Salter, Pink Hill; Scott Sanders, Mount Airy; Shawn Shaw, Greensboro; Frederick Stephens, Tabor City; Michael Swinson, Pink Hill; Angie Taylor, Fayetteville; and Rhonda Taylor, Fayetteville.

APPOINTMENTS OF THE GOVERNOR

The President of the Senate directs the Reading Clerk to read the following message from the Governor:

State of North Carolina
Office of the Governor
Raleigh 27611

April 27, 1983

The Honorable James Green
President of the Senate
North Carolina General Assembly
Legislative Office Building
Raleigh, North Carolina 27611

Dear Jimmy:

Pursuant to the provisons of G. S. 62-10, I submit herewith to the General Assembly for confirmation the name of Ruth E. Cook of Wake County whom I have appointed as a member of the North Carolina Utilities Commission. Her term of office will be effective July 1, 1983, or as soon thereafter as she takes the oath of office and will expire July 1, 1991.

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

Referred to **Public Utilities and Energy Committee.**

State of North Carolina
Office of the Governor
Raleigh 27611

April 29, 1983

The Honorable James Green
President of the Senate
North Carolina General Assembly
Legislative Office Building
Raleigh, North Carolina 27611

Dear Jimmy:

Pursuant to the provisions of G. S. 62-15, I submit herewith to the General Assembly for confirmation the name of Robert Gruber whom I have appointed as Executive Director of

the Public Staff of the Utilities Commission. His term will be effective July 1, 1983 and will expire June 30, 1989.

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

Referred to **Public Utilities and Energy Committee.**

RE-REFERRAL

H. B. 578, a bill to provide that the Wake County ABC Board consist of five members.

Without objection, the Chair orders the bill taken from the **Local Government and Regional Affairs Committee** and re-referred to the **State Government Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Lawing:

S. B. 446, a bill to permit political action committees registered with the Federal Election Commission to contribute to North Carolina campaigns in certain circumstances.

Referred to **Rules and Operation of the Senate Committee.**

Senator Thomas of Henderson moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a four-fifths majority vote.

By Senators Thomas of Henderson and Hipps:

S. B. 447, a bill to provide that the general law as to voter assistance applies in Cherokee County.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Thomas of Henderson:

S. B. 448, a bill to amend the law limiting the projection of service credit for disability benefits.

Referred to **Pensions and Retirement Committee.**

By Senator Duncan:

S. B. 449, a bill to provide funds for construction at Upper Piedmont Research Station in Reidsville.

Referred to **Appropriations Committee.**

By Senators Redman and Davis:

S. B. 450, a bill to impose State sales and use taxes on all retail sales of motor vehicles.

Referred to **Finance Committee.**

By Senators Hardison, Ballenger, Harris of Cleveland, Marvin, Parnell, and Staton:

S. B. 451, a bill to balance the cost of extending credit on merchants revolving charge accounts.

Referred to **Banking Committee.**

By Senator Hardison:

S. B. 452, a bill to make technical amendments to the Teachers' and State Employees' Comprehensive Major Medical Plan.

Referred to **Appropriations Committee.**

By Senators Warren, Jordan, and Staton:

S. B. 453, a bill to amend the authority of the Department of Transportation to set fees for signs, sign permits, and junkyard permits.

Referred to **Ways and Means/Transportation Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 261 (Committee Substitute), a bill to designate district bars as subdivisions of the North Carolina State Bar and to amend the statutes relating to the disciplining of attorneys.

Referred to **Judiciary II Committee.**

H. B. 263, a bill to require a judicial official to state the reason(s) for requiring a secured bail bond as a condition of pretrial release.

Referred to **Judiciary I Committee.**

H. B. 293 (Committee Substitute), a bill to validate the registration of certain instruments containing a notarial jurat instead of an acknowledgement.

Referred to **Judiciary III Committee.**

H. B. 444, a bill to provide for special licenses for street rods.

Referred to **Ways and Means/Transportation Committee.**

H. B. 450 (Committee Substitute), a bill to authorize testators to provide for the cremation of their bodies after death by appropriate testamentary declaration in their last will and testament.

Referred to **Judiciary I Committee.**

H. B. 551, a bill amending the County Hospital Act to authorize a county hospital to establish and operate branch facilities in other counties.

Referred to **Human Resources Committee.**

H. B. 569, a bill to annex a certain tract of land to the Town of Murphy.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 690, a bill to provide for the return of patients to treatment facilities.

Referred to **Human Resources Committee.**

H. B. 702, a bill to amend the North Carolina General Statutes creating the North Carolina Human Relations Council.

Referred to **State Government Committee.**

May 2, 1983

H. B. 764, a bill to amend the limitations on State financial aid to aviation.
Referred to **Ways and Means/Transportation Committee.**

H. B. 773, a bill to authorize the Department of Transportation to lease the right-of-way of Interstate Highway 40 to the City of Winston-Salem for a parking facility.
Referred to **Ways and Means/Transportation Committee.**

H. B. 804 (Committee Substitute), a bill to amend the School Budget and Fiscal Control Act concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 833, a bill to establish an intensive probation program in the Division of Adult Probation and Parole.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 919, a bill to change the method of determining the amount due under the soft drink dispenser tax.
Referred to **Finance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 58 (Committee Substitute), a bill to amend G. S. 20-286(11) relating to the definition of motor vehicle dealer.
The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.
Senator Redman is excused from voting (electronically recorded) for the stated reason: "I am a real estate broker."

S. B. 157 (Committee Substitute), a bill to authorize high school employees designated by the school board and appointed by the County Board of Elections to register voters, upon third reading.
The Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

S. B. 298 (Committee Substitute), a bill to allow issuance of fictitious drivers' licenses and registration plates for alcohol law enforcement agents and Division of Motor Vehicles law enforcement personnel.
The Committee Substitute bill passes its second reading (electronically recorded).
On objection of Senator Swain to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 410, a bill relating to public obligations in registered form, upon third reading.
The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:
Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H. B. 209, a bill to exempt tow dollies from certificate of title and registration requirements for motor vehicles.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 468 (Senate Committee Substitute), a bill to revise the procedures for nomination of candidates to the State Board of Community Colleges, as amended, upon third reading.

Senator Jordan offers Amendment No. 2 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in Senate Committee Substitute bill.

H. B. 472, a bill to authorize the disposition of contraband confiscated from prisoners, as amended, upon third reading.

Without objection, the Chair orders the bill, as amended, placed on the Calendar for Tuesday, May 3.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 151, an act to commemorate the date of the adoption of the Halifax Resolves on the Great Seal of North Carolina. (Ch. 257)

S. B. 271, an act to amend G. S. 113-229 relating to permits, appeals, and hearings regarding dredging and filling. (Ch. 258)

H. B. 196, an act to amend G. S. 20-57(e) pertaining to the Division issuing certificate of titles and registration cards. (Ch. 252)

H. B. 285, an act providing that personalized plates for commercial vehicles shall not have the word "commercial" on them and regulating the replacement of registration plates. (Ch. 253)

H. B. 342, an act to permit alternative markings on vehicles transporting dangerous articles that stop at railroad crossings. (Ch. 254)

H. B. 597 (Senate Committee Substitute), an act to incorporate the Town of Weddington in Union County. (Ch. 256)

H. B. 873, an act amending G. S. 160A-456 to clarify the authority of the City of Durham to make grants and loans for the economic development of businesses serving the needs of persons of low and moderate income. (Ch. 255)

On motion of Senator Lawing, seconded by Senator Plyler, the Senate adjourns to meet tomorrow at 1:30 P.M.

May 2, 1983

EIGHTIETH DAY

SENATE CHAMBER,
Tuesday, May 3, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God Our Father, You send us into Your world to do Your will, and promise us Your spirit as a source of inspiration and courage. May that Spirit of power rest on the men and women of this Senate as they seek to fulfill their calling on behalf of the people of North Carolina. We confess that we do not always know what is the right thing to do, but trust that You will lead us to collective wisdom. Help us to trust in the process of free persons making decisions freely so we may support and encourage each other along the journey, even when we disagree as to which is the correct path. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Staton for today and tomorrow, May 3 and 4.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Higher Education Committee:**

S. B. 346, a bill to permit active members of the armed services and their dependents to be eligible for in-State tuition at State community colleges, technical institutions and the constituent institutions of the University of North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on her further motion the Committee Substitute bill is adopted.

On motion of Senator Tally, the Committee Substitute bill is placed on the Calendar for Thursday, May 5.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 330, a bill to prevent the sexual exploitation of children, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Allsbrook, the Committee Substitute bill is placed on the Calendar for Thursday, May 5.

S. B. 430, a bill creating a program of early parole for nondangerous prisoners who consent to complete service of their terms through community service, with a favorable report, as amended.

By Senator Soles for the **Judiciary II Committee:**

H. B. 653, a bill to clarify a putative father's right to notice of an adoption, with a favorable report, as amended.

H. B. 680, a bill to require county directors of social services to respond to requests for consent to separate an infant from its parent, with a favorable report, as amended.

H. B. 713, a bill to make technical corrections to various statutes affecting criminal law, with a favorable report, as amended.

By Senator Marvin for Senator Soles for the **Judiciary II/Constitutional Amendments Committee:**

H. B. 458, a bill to amend the North Carolina Constitution to require that district attorneys and the Attorney General be licensed to practice law, with a favorable report.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 207, a bill to raise the minimum age for purchase, possession, and consumption of malt beverages and unfortified wine, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 207** (Committee Substitute), a bill to raise the minimum age for purchase, possession, and consumption of malt beverages and unfortified wine and to make conforming amendments, is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Barnes of Wayne, the Committee Substitute bill is placed on the Calendar for Thursday May 5.

By Senator Hipps for the **Local Government and Regional Affairs Committee:**

S. B. 359, a bill regarding teacher oaths of allegiance in Pender County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 359** (Committee Substitute), a bill prohibiting local boards of education from requiring oaths or letters of allegiance from employees, is placed before the Senate for immediate consideration.

On motion of Senator Hipps, the Committee Substitute bill is adopted, which changes the bill from a local bill to a public bill, and on his further motion is re-referred to the **Education Committee.**

S. B. 431, a bill to clarify that condominiums in the Town of Atlantic Beach shall be considered to be tracts of five acres or less for the purpose of the annexation law, with a favorable report.

S. B. 447, a bill to provide that the general law as to voter assistance applies in Cherokee County, with a favorable report.

H. B. 570, a bill to amend the Charter of the City of Raleigh, concerning reservation of sites and concerning street construction, with a favorable report.

H. B. 585, a bill regarding jurisdiction of the Pinehurst Police, with a favorable report.

H. B. 608, a bill to provide an additional member on the Edgecombe County Board of Education and to provide for the nomination and election of members of the Edgecombe County Board of Education, with a favorable report.

H. B. 611, a bill to provide that the compensation of the Cumberland County Board of Education will be set by general law, with a favorable report.

H. B. 630, a bill restricting the use of local sales and use tax revenue in Burke County, with a favorable report.

H. B. 669, a bill to establish responsibility for dirt, mud, and other debris on public roadways and sidewalks as a result of construction, with a favorable report.

H. B. 765, a bill to allow Princeville to enter into contracts for the redevelopment of land, dispose of land at private sale and allowing the town to approve a nonprofit corporation which may issue bonds and lend the proceeds to a developer, relating to redevelopment, with a favorable report.

H. B. 788, a bill to allow the Mayor of the City of New Bern to vote on all matters before the Board of Aldermen, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 543 (Committee Substitute), a bill to permit the issuance of a certificate of need for nursing homes in qualifying counties that do not have nursing homes.

Referred to **Human Resources Committee.**

H. B. 574 (Committee Substitute), a bill to allow the Town of Maiden to make street improvements and assess the cost against abutting property owners without a petition.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 623 (Committee Substitute), a bill to incorporate the Town of King in Stokes County.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 235, a bill to reinstate the felony charge and punishment for second escapes and to clarify a youthful offender escape provision.

The bill passes its second reading (electronically recorded).

On objection of Senator Allred to its third reading, the bill remains on the Calendar for further consideration.

S. B. 298 (Committee Substitute), a bill to allow issuance of fictitious drivers' licenses

and registration plates for alcohol law enforcement agents and Divsion of Motor Vehicles law enforcement personnel, upon third reading.

Senator Swain offers Amendment No. 1.

On motion of Senator Warren, the Committee Substitute bill, with pending Amendment No. 1, is re-referred to the **Ways and Means/Transportation Committee** (electronically recorded).

H. B. 472, a bill to authorize the disposition of contraband confiscated from prisoners, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 540, a bill to include three satellite areas within the corporate limits of the City of Lenoir, upon third reading.

On motion of Senator Edwards of Caldwell, consideration of the bill is postponed until Wednesday, May 4.

H. B. 593, a bill to authorize day-care licensing inspections.

On motion of Senator Harris of Cleveland, consideration of the bill is postponed until Wednesday, May 4.

On motion of Senator Lawing, seconded by Senator Tally, the Senate adjourns to meet tomorrow at 1:30 P.M.

EIGHTY-FIRST DAY

SENATE CHAMBER,
Wednesday, May 4, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God Our Father, we give You thanks today for joy. Too often we concentrate on things in our lives that are difficult, painful, frustrating, or without hope. Help us today to remember those times that have been fulfilling, hopeful, full of fun and laughter. Do not let us take ourselves so seriously that we forget to be human. Remind us that ministers, senators, and lieutenant governors are merely people, and that we are never so ridiculous to others as when we lose the ability to laugh at ourselves. Keep our minds, our commitments and our senses of humor sharp, so that we may see and understand and do the work You have called us to. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Rauch for today.

A leave of absence granted previously to Senator Staton is noted.

On motion of Senator Gray, the rules are suspended to allow Beverly McGee, a third grade student and member of T.A.A.D.D., Tomorrow's Adults Against Drunk Drivers, to approach the Well of the Senate where she briefly addresses the Senate.

RE-REFERRAL

H. B. 711, a bill to specifically include moeny used in drug dealing as property subject to forfeiture under the Controlled Substances Act.

On motion of Senator Soles the bill is taken from the **Judiciary II Committee** and re-referred to the **Judiciary III Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 331

HOUSE OF REPRESENTATIVES
May 3, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on H. B. No. 331, A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELIGIBILITY FOR APPOINTMENT OF COUNSEL FOR INDIGENTS FOR REHEARINGS PURSUANT TO CHAPTER 122 OF THE GENERAL STATUTES to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senators Duncan and Rauch for the **Finance Committee:**

S. B. 39, a bill to amend Chapter 39 to further equalize between married persons the right to income, possession and control in property owned concurrently in tenancy by the entirety, with a favorable report, as amended.

S. B. 255, a bill raising certain fees and taxes collected by the Secretary of State and appropriating funds to the Secretary of State, with a favorable report, as amended.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted, changing the title to read, **S. B. 255,** a bill raising certain fees and taxes collected by the Secretary of State.

On motion of Senator Duncan, Committee Amendment No. 2 is adopted.

The bill, as amended, is ordered engrossed and placed on the Calendar for Tuesday, May 10.

S. B. 283, a bill to prohibit the sale or foreclosure of a tax lien on real property classified under the "homestead exemption," with a favorable report.

S. B. 291, a bill relating to the prevention of child abuse and neglect and establishing a Children's Trust Fund for that purpose, with a favorable report, as amended.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendments Nos. 1 and 2 are adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S. B. 420, a bill to require numbering of all vessels, with a favorable report.

H. B. 617, a bill to impose a separate privilege license tax on persons engaged in an alarm system business licensed under the Private Protective Services Act, with a favorable report.

By Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 345, a bill to place a one-year freeze on the granting of certificates of need for alcohol treatment beds, drug treatment beds, or both, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris of Cleveland, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Harris of Cleveland, the Committee Substitute bill is placed on the Calendar for Friday, May 13.

H. B. 118 (Committee Substitute), a bill to authorize the use of the single portal of entry and exit principle in rendering mental health services, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris of Cleveland, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Harris of Cleveland, the Senate Committee Substitute bill is placed on the Calendar for Friday, May 6.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

H. B. 116 (Senate Committee Substitute), a bill to allow the head of a local law enforcement agency to appoint traffic control officers, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Barnes of Wayne, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Senate Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Tuesday, May 10.

H. B. 510, a bill to make technical amendments to the juvenile code as recommended by the Juvenile Law Study Commission, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

H. B. 363, a bill to authorize the Wildlife Resources Commission to conduct managed hunts on game lands and to charge fees for processing applications and use of related facilities, with a favorable report, as amended.

On motion of Senator Thomas of Craven, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Thomas of Craven, the bill, as amended, is re-referred to the **Finance Committee.**

H. B. 674, a bill to control the exploration for uranium in the State of North Carolina, with a favorable report.

H. B. 823, a bill to prohibit hunting from certain roads in Camden County, with a favorable report.

By Senator Plyler for the **Pensions and Retirement Committee:**

S. B. 293, a bill to amend the laws governing the Law Enforcement Officers' Benefit and Retirement Fund so as to receive a favorable determination as a qualified trust by the Internal Revenue Service and to then cause a tax sheltering from current income of members' contributions, with a favorable report.

S. B. 294, a bill to tax shelter from current income the contributions of members paid to the Uniform Judicial, Solicitorial and Clerks of Superior Court Retirement Systems by conforming State law to the requirements of Section 414(h) of the United States Internal Revenue Code, with a favorable report.

By Senator Guy for the **Public Utilities and Energy Committee:**

S. B. 304, a bill to allow cities and counties to participate in the State telephone network, with a favorable report.

CONFERENCE REPORT

H. B. 331

Senator Edwards of Guilford, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 331,** a bill to change the eligibility for appointment of counsel for indigents for rehearings pursuant to Chapter 122 of the General Statutes, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 331, AN ACT TO CHANGE THE ELIGIBILITY FOR APPOINTMENT OF COUNSEL FOR INDIGENTS FOR REHEARINGS PURSUANT TO CHAPTER 122 OF THE GENERAL STATUTES, wish to report as follows:

1. The Senate recedes from its Amendment #1.
2. The bill is amended on page 1, line 12, by renumbering "Sec. 2." as "Sec. 3."; and by inserting a new Section 2 to read as follows:

"Sec. 2. G. S. 122-58.12(c) is further amended by inserting a new sentence immediately preceding the word 'Counsel' in the second sentence to read: 'No mileage or compensation for travel time shall be paid to a counsel appointed pursuant to this subsection.' "

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 4th day of May, 1983.

ELTON EDWARDS	JOE HACKNEY
R.C. SOLES, JR.	ANNE BARNES
JOSEPH E. JOHNSON	DANIEL H. DEVANE
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

On motion of Senator Edwards of Guilford, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hancock and Royall:

S. B. 454, a bill to amend the optometric drug use law.
Referred to **Human Resources Committee.**

By Senator Jenkins:

S. B. 455, a bill to create a Narcotics Investigative Crime Commission.
Referred to **Judiciary I Committee.**

By Senators Woodard, Johnson, Jordan, and Speed:

S. B. 456, a bill to provide for the restoration of the Seaboard Coast Line Building and for its use as a multipurpose center.
Referred to **Appropriations Committee.**

By Senators Woodard, Barnes of Forsyth, Gray, Guy, Johnson, Martin, Tally, Walker, and Ward:

S. B. 457, a bill to provide retirement benefits to permanent part-time State employees in the Teachers' and State Employees' Retirement System and to permit purchase of prior permanent part-time service.
Referred to **Pensions and Retirement Committee.**

By Senators Hardison, Duncan, Edwards of Guilford, Harris of Cleveland, Rand, Rauch, Swain, and Warren:

S. B. 458, a bill to enable all public school employees to earn and accumulate annual vacation leave at the same rate as that provided for State employees.
Referred to **Appropriations Committee.**

By Senator Hardison:

S. B. 459, a bill to revise G. S. 143-16 relating to agency budgets.
Referred to **Appropriations Committee.**

By Senator Thomas of Craven:

S. B. 460, a bill to provide funds to Craven County for a comprehensive screening program for the elderly.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 791 (Committee Substitute), a bill to permit enforcement of child support and custody judgments while on appeal.
Referred to **Judiciary II Committee.**

H. B. 880, a bill altering the distribution of profits of the City of Hertford ABC Board.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 883, a bill to regulate the use of firearms on public highways in the Counties of Hoke and Robeson.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 893, a bill amending the eligibility requirements for ABC store and mixed beverage elections and the authorization of special occasion and limited special occasion permits.
Referred to **Judiciary II Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 235, a bill to reinstate the felony charge and punishment for second escapes and to clarify a youthful offender escape provision, upon third reading.
Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).
The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 430, a bill creating a program of early parole for nondangerous prisoners who consent to complete service of their terms through community service.
On motion of Senator Swain, Committee Amendment No. 1 is adopted.
Senator Swain offers Amendment No. 2 which is adopted (electronically recorded).
The bill, as amended, passes its second reading (electronically recorded).
On objection of Senator Hancock to its third reading, the bill, as amended, remains on the Calendar for further consideration.

S. B. 431, a bill to clarify that condominiums in the Town of Atlantic Beach shall be considered to be tracts of five acres or less for the purpose of the annexation law.
The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 447, a bill to provide that the general law as to voter assistance applies in Cherokee County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 458, a bill to amend the North Carolina Constitution to require that district attorneys and the Attorney General be licensed to practice law, upon second reading.

On motion of Senator Marvin, consideration of the bill is postponed until tomorrow, May 5.

H. B. 540, a bill to include three satellite areas within the corporate limits of the City of Lenoir, upon third reading.

On motion of Senator Kincaid, consideration of the bill is postponed until Wednesday, May 11.

H. B. 570, a bill to amend the Charter of the City of Raleigh, concerning reservation of sites and concerning street construction, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 585, a bill regarding jurisdiction of the Pinehurst Police.

The bill passes its second and third readings and is ordered enrolled.

H. B. 593, a bill to authorize day-care licensing inspections.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 608, a bill to provide an additional member on the Edgecombe County Board of Education and to provide for the nomination and election of members of the Edgecombe County Board of Education.

The bill passes its second and third readings and is ordered enrolled.

H. B. 611, a bill to provide that the compensation of the Cumberland County Board of Education will be set by general law.

The bill passes its second and third readings and is ordered enrolled.

H. B. 630, a bill restricting the use of local sales and use tax revenue in Burke County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion,

Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: Senator Kincaid—1.

The bill remains on the Calendar upon third reading.

H. B. 653, a bill to clarify a putative father's right to notice of an adoption.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 669, a bill to establish responsibility for dirt, mud, and other debris on public roadways and sidewalks as a result of construction.

The bill passes its second and third readings and is ordered enrolled.

H. B. 680, a bill to require county directors of social services to respond to requests for consent to separate an infant from its parent.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 713, a bill to make technical corrections to various statutes affecting criminal law.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 765, a bill to allow Princeville to enter into contracts for the redevelopment of land, dispose of land at private sale and allowing the town to approve a nonprofit corporation which may issue bonds and lend the proceeds to a developer, relating to redevelopment.

The bill passes its second and third readings and is ordered enrolled.

H. B. 788, a bill to allow the Mayor of the City of New Bern to vote on all matters before the Board of Aldermen.

The bill passes it second and third readings and is ordered enrolled.

On motion of Senator Lawing, seconded by Senator Ward, the Senate adjourns to meet tomorrow at 1:30 P.M.

EIGHTY-SECOND DAY

SENATE CHAMBER,
Thursday, May 5, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, today we pray not for ourselves, but for Your other children in this State and nation whose lives and livelihoods depend upon the men and women in this room. We pray for those who will go to bed hungry tonight, for those in our prisons, for those who teach in our schools, and those who are being educated there, for those whose homes lack the ordinary amenities we take for granted, and for those who labor in many different ways for this State. Help us all to remember that government is a partnership between the people and those whom they elect to service, and that the task of those in this Senate is to serve not ourselves, but the most humble citizen of North Carolina. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Staton for today and to Senators Ballenger, Rauch, and Harris of Cleveland for tomorrow, May 6.

Senator Staton is noted present for a portion of today's Session.

ADVISORY OPINION

Senator Jenkins offers a motion that the letter from Mr. Charles J. Murray, Special Deputy Attorney General, read by the Reading Clerk be spread upon the Journal, which motion prevails.

State of North Carolina
Department of Justice
P.O. Box 629
Raleigh, NC 27602
May 5, 1983

Senator Cecil R. Jenkins, Jr.
Legislative Building
Room 2007
Raleigh, North Carolina

Dear Senator Jenkins:

The following is submitted in response to your inquiry of May 5, 1983. A review of the North Carolina Constitution, the General Statutes of North Carolina, and Rules of the Senate has disclosed no provision that would prohibit the convening of the North Carolina Senate in Camp LeJeune, North Carolina.

If this office can be of further assistance, please do not hesitate to contact us.

Sincerely,
RUFUS L. EDMISTEN
Attorney General

S/ CHARLES J. MURRAY
Special Deputy Attorney General

RE-REFERRAL

H. B. 540, a bill to include three satellite areas within the corporate limits of the City of

Lenoir.

On motion of Senator Edwards of Caldwell the bill is taken from the Calendar for Wednesday, May 11, and is placed on the Calendar for Friday, May 20.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 403, a bill to rewrite Article 15 of Chapter 54 of the General Statutes pertaining to corporate credit unions, with a favorable report.

On motion of Senator Edwards of Caldwell the bill is placed on the Calendar for Wednesday, May 11.

By Senator Speed for the **Education Committee:**

H. B. 329, a bill to amend G. S. 115C-41 pertaining to organization of local boards of education, with a favorable report, as amended.

H. B. 334, a bill to establish a pilot program providing for public school teachers and college education teachers to exchange duties, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Speed, the rules are suspended and the Senate Committee Substitute bill which changes the title to read **H. B. 334** (Senate Committee Substitute), a bill to improve the competence of faculty members in the public schools of North Carolina in furtherance of the quality assurance program, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, May 11.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 123 (Committee Substitute), a bill to allow expunction of arrest records in appropriate cases, with a favorable report, as amended.

S. B. 429, a bill to provide payment for attorneys or guardians ad litem for certain persons, with a favorable report.

By Senator Rand for Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 320, a bill to allow the State to take a voluntary dismissal with leave when a defendant is found incapable of proceeding, with a favorable report.

S. B. 321, a bill to make the punishment for conviction of conspiracy to commit murder a Class D felony and to make appropriate punishment classifications for conspiracies to commit other felonies, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Rauch:

S. B. 461, a bill to exempt newspaper advertising supplements from the North Carolina sales tax.
Referred to **Finance Committee.**

By Senator Staton:

S. B. 462, a bill to exempt certain personal representatives and guardians from the requirement of producing expense vouchers or verified proof.
Referred to **Judiciary I Committee.**

By Senators Jordan and Edwards of Guilford:

S. B. 463, a bill to establish a Legislative Commission to oversee the implementation of the "Job Training Partnership Act" and to make recommendations for additional legislation and needed changes to the 1984 Session of the General Assembly.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Jordan and Edwards of Guilford:

S. B. 464, a bill to establish the North Carolina Employment and Training Program.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Allred, Ballenger, Harris of Mecklenburg, Kincaid, Redman, and Wright:

S. B. 465, a bill to amend the Constitution to allow a county to exempt property held by a business as part of its inventory from property tax.
Referred to **Finance Committee.**

Senator Winner moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill which motion prevails by a four-fifths majority vote (electronically recorded).

By Senators Winner and Swain:

S. B. 466, a bill to repeal local legislation pertaining to dairy herds in Buncombe County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senators Hancock, Jordan, Tison, and Harris of Mecklenburg:

S. B. 467, a bill to increase the educational requirements to qualify for licensure as a property and casualty agent.
Referred to **Insurance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 350 (House Committee Substitute), a bill to provide that day-care facilities operated by churches, synagogues, or schools of religious charter shall not be required to obtain licenses but shall be subject to day-care standards for health and safety, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, May 6.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 37 (Committee Substitute), a bill to establish a Computer Commission and to give this Commission authority over information processing, for concurrence in House Amendment No. 1.

On motion of Senator Alford, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Alford, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

S. B. 103, a bill to extend the Mental Health Study Commission, for concurrence in House Amendment No. 1.

On motion of Senator Harris of Cleveland, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

On motion of Senator Harris of Cleveland, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

H. B. 345 (Committee Substitute No. 2), a bill to allow water and sewer authorities to defend officers, employees, and governing board members and pay any or all of a claim made or civil judgment entered against any of them.

Referred to **Judiciary II Committee.**

H. B. 592, a bill to allow the New Hanover County Board of Education to pay its ten-month employees on or before the eighteenth day of each month.

Referred to **Public Utilities and Energy Committee.**

H. B. 682, a bill to allow the use of the State courier service or a common or contract carrier in addition to the United States mail for purposes of maintaining a chain of custody.

Referred to **Judiciary II Committee.**

H. B. 852, a bill to make the same school consolidation and discontinuance of schools procedures applicable to all public schools.

Referred to **Education Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 39, a bill to amend Chapter 39 to further equalize between married persons the right to income, possession and control in property owned concurrently in tenancy by the entirety, as amended.

On motion of Senator Marvin, Committee Amendment No. 2 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 207 (Committee Substitute), a bill to raise the minimum age for purchase, possession, and consumption of malt beverages and unfortified wine and to make conforming amendments.

Senator Barnes of Wayne offers a motion that the Committee Substitute bill be re-referred to the **Appropriations Committee.**

Senator Barnes of Wayne calls the previous question, duly seconded.

The motion of Senator Barnes of Wayne prevails (electronically recorded) and the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S. B. 283, a bill to prohibit the sale or foreclosure of a tax lien on real property classified under the "homestead exemption."

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 293, a bill to amend the laws governing the Law Enforcement Officers' Benefit and Retirement Fund so as to receive a favorable determination as a qualified trust by the Internal Revenue Service and to then cause a tax sheltering from current income of members' contributions.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 294, a bill to tax shelter from current income the contributions of members paid to the Uniform Judicial, Solicitorial and Clerks of Superior Court Retirement Systems by conforming State law to the requirements of Section 414(h) of the United States Internal Revenue Code.

On motion of Senator Plyler, the bill is recommitted to the **Pensions and Retirement Committee.**

S. B. 304, a bill to allow cities and counties to participate in the State telephone network.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 330 (Committee Substitute), a bill to prevent the sexual exploitation of children.

On motion of Senator Jenkins, the Committee Substitute bill is recommitted to the **Judiciary I Committee.**

S. B. 346 (Committee Substitute), a bill to permit active members of the armed services and their dependents to be eligible for in-State tuition at State community colleges, technical institutions and the constituent institutions of the University of North Carolina.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Barnes of Wayne to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 420, a bill to require numbering of all vessels.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 430, a bill creating a program of early parole for nondangerous prisoners who consent to complete service of their terms through community service, as amended, upon third reading.

Senator Thomas of Henderson requests a fiscal note. The Chair orders the bill, as amended, placed on the Calendar for Wednesday, May 11, with a fiscal note attached.

H. B. 143 (Committee Substitute), a bill to clarify the definition of day-care plan.

On motion of Senator Harris of Cleveland, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in

Senate Amendment No. 1.

H. B. 144 (Committee Substitute), a bill to remove mental retardation from the conditions prohibiting a person from work in a day-care center.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 458, a bill to amend the North Carolina Constitution to require that district attorneys and the Attorney General be licensed to practice law, upon second reading.

Having received a three-fifths majority, the bill passes its second reading by roll-call vote, ayes 42, noes 6, as follows:

Voting in the affirmative: Senators Alford, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Woodard—42.

Voting in the negative: Senators Allred, Ballenger, Harris of Cleveland, Kincaid, Redman, and Wright—6.

The bill remains on the Calendar upon third reading.

H. B. 510, a bill to make technical amendments to the juvenile code as recommended by the Juvenile Law Study Commission.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 570, a bill to amend the Charter of the City of Raleigh, concerning reservation of sites and concerning street construction, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 598, a bill to exempt the Division of Mental Health, Mental Retardation and Substance Abuse Services from the Social Services Commission's Title XX rule making authority.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 617, a bill to impose a separate privilege license tax on persons engaged in an alarm system business licensed under the Private Protective Services Act, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin,

Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 630, a bill restricting the use of local sales and use tax revenue in Burke County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: Senators Kincaid and Redman—2.

The bill is ordered enrolled.

H. B. 674, a bill to control the exploration for uranium in the State of North Carolina.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 676, a bill to amend the definition of catchment area.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 689, a bill to insure privacy of area mental health, mental retardation and substance abuse authority employee personnel records.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 823, a bill to prohibit hunting from certain roads in Camden County.

The bill passes its second and third readings and is ordered enrolled.

Without objection, the Chair re-calendars the following bills:

S. B. 123 (Committee Substitute), a bill to allow expunction of arrest records in appropriate cases, is taken from the Calendar for Friday, May 6, and placed on the Calendar for Monday, May 9.

S. B. 429, a bill to provide payment for attorneys or guardians ad litem for certain persons, is taken from the Calendar for Friday, May 6, and placed on the Calendar for Monday, May 9.

S. B. 320, a bill to allow the State to take a voluntary dismissal with leave when a defendant is found incapable of proceeding, is taken from the Calendar for Friday, May 6, and placed on the Calendar for Monday, May 9.

S. B. 321, a bill to make the punishment for conviction of conspiracy to commit murder a Class D felony and to make appropriate punishment classifications for conspiracies to commit other felonies, is taken from the Calendar for Friday, May 6, and placed on the Calendar for Tuesday, May 10.

S. B. 430, a bill creating a program of early parole for nondangerous prisoners who consent to complete service of their terms through community service, is taken from the Calendar for Wednesday, May 11, and placed on the Calendar for Tuesday, May 10.

H. B. 118 (Senate Committee Substitute), a bill to authorize the use of the single portal of entry and exit principle in rendering mental health services, is taken from the Calendar for Friday, May 6, and placed on the Calendar for Monday, May 9.

H. B. 458, a bill to amend the North Carolina Constitution to require that district attorneys and the Attorney General be licensed to practice law, is taken from the Calendar for Friday, May 6, and placed on the Calendar for Tuesday, May 10.

H. B. 617, a bill to impose a separate privilege license tax on persons engaged in an alarm system business licensed under the Private Protective Services Act, is taken from the Calendar for Friday, May 6, and placed on the Calendar for Wednesday, May 11.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 224, an act to redefine the terms "detection of deception examiner" as used in the Private Protective Services Act. (Ch. 259)

H. B. 585, an act regarding jurisdiction of the Pinehurst Police. (Ch. 260)

H. B. 593, an act to authorize day-care licensing inspections. (Ch. 261)

H. B. 608, an act to provide an additional member on the Edgecombe County Board of Education and to provide for the nomination and election of members of the Edgecombe County Board of Education. (Ch. 262)

H. B. 611, an act to provide that the compensation of the Cumberland County Board of Education will be set by general law. (Ch. 263)

H. B. 669, an act to establish responsibility for dirt, mud, and other debris on public roadways and sidewalks as a result of construction. (Ch. 264)

H. B. 765, an act to allow Princeville to enter into contracts for the redevelopment of land, dispose of land at private sale and allowing the town to approve a nonprofit corporation which may issue bonds and lend the proceeds to a developer, relating to redevelopment. (Ch. 265)

H. B. 788, an act to allow the Mayor of the City of New Bern to vote on all matters before the Board of Aldermen. (Ch. 266)

On motion of Senator Lawing, seconded by Senator Harrington, the Senate adjourns to meet tomorrow at 10:00 A.M.

EIGHTY-THIRD DAY

SENATE CHAMBER,
Friday, May 6, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, we give You thanks for Your presence here this week, for providing us with wisdom, and occasionally for calling us to account when we begin to wander from the way You would have us go. We also give You thanks that this week is drawing to a close, and that we will have time for becoming reacquainted with family and friends in the weekend ahead. Help us also to use this time as an occasion for becoming reacquainted with ourselves, for sometimes we feel so busy that we are in danger of losing who we are. Help us to be still and to know that You are God, and to find a healthy balance between serious commitment to the tasks at hand and granting ourselves time for reflection, renewal and the simple pleasures of the life You have given us. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Soles for today.

Leaves of absence granted previously to Senators Ballenger, Rauch, and Harris of Cleveland are noted.

RE-REFERRALS

S. B. 430, a bill creating a program of early parole for nondangerous prisoners who consent to complete service of their terms through community service.

Without objection, the Chair orders the bill taken from the Calendar for Tuesday, May 10, and placed on the Calendar for Wednesday, May 11.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee:**

S. B. 89 (Committee Substitute), a bill to amend Chapter 50 of the General Statutes to establish procedures to insure payment of child support, with a favorable report, as amended.

S. B. 90 (Committee Substitute), a bill to amend Chapter 15A of the General Statutes to establish procedures to insure payment of child support, with a favorable report, as amended.

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 402, a bill to make certain revisions and additions to the credit union law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Edwards of Caldwell, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Edwards of Caldwell, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, May 11.

By Senator Plyler for the **Pensions and Retirement Committee:**

S. B. 294, a bill to tax shelter from current income the contributions of members paid to the Uniform Judicial, Solicitorial and Clerks of Superior Court Retirement Systems by conforming State law to the requirements of Section 414(h) of the United States Internal Revenue Code, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, May 12.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Lawing moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Daniels:

S. J. R. 468, a joint resolution requesting the State's Congressional Delegation to encourage the United States Fish and Wildlife Service to adjust the federal bird hunting season limitations so as to restore to the waterfowl hunters of North Carolina the hunting days lost by reason of the State's prohibition of hunting with firearms on Sunday.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Hipps:

S. B. 469, a bill to modernize the forgery law to make clear that it applies to checks of savings and loans, credit unions, and federal, State, and local governments.

Referred to **Judiciary III Committee.**

By Senators Barnes of Wayne and Ward:

S. B. 470, a bill to clarify the law regarding corneal tissue removal.

Referred to **Judiciary III Committee.**

By Senators Staton, Childers, Alford, Allred, Allsbrook, Ballenger, Davis, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harris of Mecklenburg, Harris of Cleveland, Jordan, Kincaid, Lawing, Marion, Marvin, Parnell, Plyler, Rauch, Redman, Royall, Speed, Swain, Tison, and Wright:

S. B. 471, a bill to clarify Chapter 97 of the General Statutes with respect to apportionment in workers compensation cases.

Referred to **Manufacturing, Labor and Commerce Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 193 (Committee Substitute), a bill to make amendments concerning the Advisory Budget Commission to bond acts to implement the recommendations of the Committee on Separation of Powers.
Referred to **Judiciary I Committee.**

H. B. 530 (Committee Substitute), a bill to authorize the establishment of a special deputy program for the sheriffs of Caswell, Davidson, Edgecombe, Granville, Guilford, Halifax, Person, Vance and Warren Counties and to make the North Carolina Worker's Compensation Act applicable to members of the special deputy program.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 590, a bill to amend the Charter of the City of Wilmington to delete references to the position of city treasurer.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 591, a bill to amend the Charter of the City of Wilmington to provide for the licensing and regulation of vehicles for hire.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 790, a bill to permit enforcement of alimony judgments while on appeal.
Referred to **Judiciary II Committee.**

H. B. 798, a bill to grant the Winston-Salem/Forsyth County Board of Education authority to sell surplus school property to nonprofit organizations by private negotiations and sale.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 816, a bill prohibiting interference with an emergency in Forsyth County.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 850, a bill to allow sale of historic properties by cities and counties.
Referred to **Judiciary III Committee.**

H. B. 866, a bill to allow the Cumberland County Board of Commissioners to conduct an advisory referendum on the question of a Sunday-closing law.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 869, a bill to permit the routing of school busses to allow the receiving and discharging of passengers on divided roadways.
Referred to **Ways and Means/Transportation Committee.**

H. B. 870, a bill concerning the deadline for modifying the boundaries of Durham City election wards.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 878, a bill to provide that the City of Durham may contract with and appropriate

money to any person, association, or corporation for the accomplishment of public purposes.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 346 (Committee Substitute), a bill to permit active members of the armed services and their dependents to be eligible for in-State tuition at State community colleges, technical institutions and the constituent institutions of the University of North Carolina, upon third reading.

Senator Barnes of Wayne offers a motion that consideration of the Committee Substitute bill be postponed until Tuesday, May 10, which motion prevails (electronically recorded).

S. B. 350 (House Committee Substitute), a bill to provide that day-care facilities operated by churches, synagogues, or schools of religious charter shall not be required to obtain licenses but shall be subject to day-care standards for health and safety, for concurrence in the House Committee Substitute bill.

On motion of Senator Edwards of Guilford, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

H. B. 329, a bill to amend G. S. 115C-41 pertaining to organization of local boards of education.

On motion of Senator Jenkins, Committee Amendment No. 1 is adopted.

Senator Marvin moves that the vote by which Committee Amendment No. 1 was adopted be reconsidered, which motion prevails.

On motion of Senator Marvin, the bill is recommitted to the **Education Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 37, an act to establish a Computer Commission and to give this Commission authority over information processing. (Ch. 267)

S. B. 103, an act to extend the Mental Health Study Commission. (Ch. 268)

S. B. 190, an act to change the Mitchell County Tax Collector from an elective to an appointive position. (Ch. 269)

S. B. 201, an act to amend the restrictions on force account work as applied to the City of Monroe. (Ch. 270)

S. B. 231 (Committee Substitute), an act to allow the Rutherford County Board of Commissioners to establish a county police force. (Ch. 271)

S. B. 253, an act to amend Chapter 104D of the General Statutes to enter into the Southern States Energy Compact and to establish the Southern States Energy Board. (Ch. 282)

H. B. 144 (Committee Substitute), an act to remove mental retardation from the

conditions prohibiting a person from work in a day-care center. (Ch. 277)

H. B. 331, an act to change the eligibility for appointment of counsel for indigents for rehearings pursuant to Chapter 122 of the General Statutes. (Ch. 275)

H. B. 510, an act to make technical amendments to the juvenile code as recommended by the Juvenile Law Study Commission. (Ch. 276)

H. B. 570, an act to amend the Charter of the City of Raleigh, concerning reservation of sites and concerning street construction. (Ch. 272)

H. B. 598, an act to exempt the Division of Mental Health, Mental Retardation and Substance Abuse Services from the Social Services Commission's Title XX rule making authority. (Ch. 278)

H. B. 630, an act restricting the use of local sales and use tax revenue in Burke County. (Ch. 273)

H. B. 674, an act to control the exploration for uranium in the State of North Carolina. (Ch. 279)

H. B. 676, an act to amend the definition of catchment area. (Ch. 280)

H. B. 689, an act to insure privacy of area mental health, mental retardation and substance abuse authority employee personnel records. (Ch. 281)

H. B. 823, an act to prohibit hunting from certain roads in Camden County. (Ch. 274)

On motion of Senator Lawing, seconded by Senator Guy, the Senate adjourns to meet Monday at 6:00 P.M.

EIGHTY-FOURTH DAY

SENATE CHAMBER,
Monday, May 9, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Father, as we gather here to begin another week of work, we give You thanks for mercy that has brought us safely to this place, and for the gift of Your Spirit that brings us intelligence and discernment for doing the work You have given to us. We ask Your blessing for this week on the women and men who represent the people as members of this Senate, and on those who serve as members of the staff. Remind all of us — bureaucrats and legislators alike — of the high calling which we have the privilege to acknowledge as our own, and keep us humble, never confusing the honor of service in this place with our own merit, but acknowledging our need of Your providential care in helping us to rise to the challenges set before us. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the

Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harris of Mecklenburg and Thomas of Henderson for tonight, to Senators Tally, Gray, Wright, Johnson, and Rauch for tomorrow, May 10, and to Senator Plyler for Wednesday, May 11.

The Chair directs the Reading Clerk to read a letter from D. J. Fulham, Major General, United States Marine Corps. (See Appendix)

The President recognizes the following pages serving in the Senate this week: Amy Ashworth, Reidsville; Lisa Buffaloe, Youngsville; Chad Byrd, Mt. Pleasant; Angela Carroll, Garner; Brad Fisher, Mt. Pleasant; Kenneth Gahagan, Marion; Leisa Gore, Lumberton; Kevin Griffin, Williamston; Patrick Hamrick, Kings Mountain; Pam Harris, Cullowhee; Aileen Jenkins, Woodland; Todd Ledford, Spruce Pine; Marty McGee, Concord; Melinda Outland, Jackson; Andrea Pierce, Reidsville; Alex Smith, Clarkton; Elishia Treece, Raleigh; Cynthia Williams, Williamston; and Al Worthington, Kenansville.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee:**

S. B. 275, a bill to establish a statewide lottery in North Carolina after a binding referendum, with a favorable report, as amended.
On motion of Senator Soles, the bill is placed on the Calendar for Wednesday, May 11.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Jenkins and Plyler:

S. B. 472, a bill to extend the thirty-year unreduced retirement benefits to teachers and State employees who retired prior to July 1, 1973, and who contributed to the Teachers' and State Employees' Retirement System for thirty or more years.
Referred to **Pensions and Retirement Committee.**

By Senator Lawing:

S. B. 473, a bill to make shopping cart theft unlawful.
Referred to **Judiciary II Committee.**

By Senator Lawing:

S. B. 474, a bill to change the composition of the Committee on Employee Hospital and Medical Benefits.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Kincaid and Edwards of Caldwell:

S. B. 475, a bill to regulate the information that constitutes satisfactory proof of loss because of the death.

Referred to **Judiciary I Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 273, a bill to authorize emergency admissions of juveniles to treatment facilities, for concurrence in House Amendment No. 1, which is placed on the Calendar for Wednesday, May 11.

S. B. 348, a bill to allow Surry County to name and assign street numbers to private roads in unincorporated areas, for concurrence in House Amendment No. 1, which is placed on the Calendar for Wednesday, May 11.

H. B. 219, a bill to authorize Wake County deputy sheriffs to purchase their revolvers.

Referred to **Local Government and Regional Affairs Committee.**

H. J. R. 589, a joint resolution designating Wilmington as an International City.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 670, a bill requiring the operator of any vessel operated on the waters of the State to stop for a blue light or siren exhibited by any law enforcement officer during the performance of duties.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 754, a bill to annex territory to the Town of Pilot Mountain.

Referred to **Local Government and Regional Affairs Committee.**

H. J. R. 760, a joint resolution directing the Mental Health Study Commission to examine funding policies of area mental health, mental retardation and substance abuse programs.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 796 (Committee Substitute), a bill to permit a local school administrative unit with more than 70,000 students to extend the probationary period for nontenured teachers.

Referred to **Education Committee.**

H. B. 801, a bill to amend the Charter of the Town of Southern Pines.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 840 (Committee Substitute), a bill to authorize A. D. Ward to convey certain lands to the City of New Bern, and to authorize members of the Board of Aldermen to make loan applications.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 854 (Committee Substitute), a bill to waive compliance with certain statutes in the construction of the New Hanover County refuse fired steam generating facility.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 865, a bill to authorize counties to regulate development in estuarine waters and public trust lands under navigable waters.

May 9, 1983

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 885, a bill to incorporate within the Town of Mint Hill certain unannexed territory lying within its outer boundaries.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 969, a bill to clarify procedures for contesting debts submitted for collection under the Setoff Debt Collection Act.

Referred to **Judiciary II Committee.**

H. B. 1012, a bill to amend the restrictions on force accounts as applied to Davidson County.

On motion of Senator Childers, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 89 (Committee Substitute), a bill to amend Chapter 50 of the General Statutes to establish procedures to insure payment of child support, as amended, upon third reading.

On motion of Senator Hardison, Committee Amendment No. 4 is adopted.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 90 (Committee Sustitute), a bill to amend Chapter 15A of the General Statutes to establish procedures to insure payment of child support.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 123 (Committee Substitute), a bill to allow expunction of arrest records in appropriate cases, as amended, upon third reading.

On motion of Senator Swain, consideration of the Committee Substitute bill, as amended, is postponed until Wednesday, May 11.

S. B. 320, a bill to allow the State to take a voluntary dismissal with leave when a defendant is found incapable of proceeding.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 429, a bill to provide payment for attorneys or guardians ad litem for certain persons.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 118 (Senate Committee Substitute), a bill to authorize the use of the single portal of entry and exit principle in rendering mental health services.

Senator Hancock offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

May 9, 1983

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 254, an act to allow the governing body of Gaston County or its municipalities to contract with banks and other financial institutions for receipt of payment of property taxes. (Ch. 284)

S. B. 256, an act authorizing the qualified voters of the Town of Beech Mountain to determine whether beer and wine may be sold in that Town. (Ch. 285)

S. B. 310, an act to revise the Charter of the Town of Jackson. (Ch. 286)

S. B. 322, an act to rewrite the Charter of the Town of Stoneville. (Ch. 287)

S. B. 350 (House Committee Substitute), an act to provide that day-care facilities operated by churches, synagogues, or schools of religious charter shall not be required to obtain licenses but shall be subject to day-care standards for health and safety. (Ch. 283)

H. B. 209, an act to exempt tow dollies from certificate of title and registration requirements for motor vehicles. (Ch. 288)

H. B. 472, an act to authorize the disposition of contraband confiscated from prisoners. (Ch. 289)

On motion of Senator Lawing, seconded by Senator Parnell, the Senate adjourns to meet tomorrow in the Officers' Club at Camp Lejeune, North Carolina, at 11:00 A.M.

EIGHTY-FIFTH DAY

OFFICERS' CLUB,
CAMP LEJEUNE, NORTH CAROLINA
Tuesday, May 10, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, Guardian of our lives, as we meet in this place, we are reminded of the many times You have had to save Your people in times of war. We give You thanks for the men and women who have dedicated themselves here to the task of keeping the peace, and pray that they shall never be called upon to make that ultimate sacrifice on behalf of their nation, family, and friends. Instill in our minds the quest for a just and lasting peace so that violence and crying may end, and Your children in all lands may come to know and celebrate their common humanity as brothers and sisters in Your care. May Your word rule the words of men and women, so that they may agree and settle conflicting claims peacefully. Guard the brave men and women who risk themselves for the sake of their countrymen. Though they must be prepared for war, let them live for peace, as eager for agreement as victory. Encourage them as they encourage one another, and never let hard duty separate them from acknowledging their need for Your love and care. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Barnes of Forsyth and Soles for today.

Leaves of absence granted previously to Senators Gray, Johnson, Rauch, Tally, and Wright are noted.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Jordan and Plyler:

S. B. 476, a bill to appropriate funds for the Town Creek Indian Mound State Historic Site.

Referred to **Appropriations Committee.**

By Senators Edwards of Caldwell, Swain, Rauch, Tison, Hunt, and Soles:

S. B. 477, a bill creating a board of examiners for those engaged in the business of watchmaking or watch repairing and prescribing their duties and powers in North Carolina.

Referred to **Finance Committee.**

By Senator Rauch:

S. B. 478, a bill to refund the amount of accumulated contributions in excess of the contributions required of other members of the Local Governmental Employees' Retirement System made by firemen not covered under the Social Security Act who were members of the Local Governmental Employees' Retirement System.

Referred to **Pensions and Retirement Committee.**

By Senators Woodard, Marvin, Tally, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Hunt, Johnson, Jordan, Rand, Rauch, Soles, Speed, Thomas of Craven, Walker, Ward, and Winner:

S. B. 479, a bill to clarify a provision in the Group Health Insurance and Conversion Privileges Law.

Referred to **Insurance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 255, a bill raising certain fees and taxes collected by the Secretary of State and appropriating funds to the Secretary of State, as amended, upon second reading.

Senator Winner offers Amendment No. 3.

On motion of Senator Swain, consideration of the bill, as amended, with pending Amendment No. 3, is postponed until Wednesday, May 11.

S. B. 321, a bill to make the punishment for conviction of conspiracy to commit murder a

Class D felony and to make appropriate punishment classifications for conspiracies to commit other felonies.

On motion of Senator Barnes of Wayne, Committee Amendment No. 1 is adopted, changing the title to read, **S. B. 321,** a bill to make appropriate punishment classifications for conspiracies to commit felonies.

The bill, as amended, passes its second reading.

On objection of Senator Martin to its third reading, the bill, as amended, remains on the Calendar for further consideration.

S. B. 346 (Committee Substitute), a bill to permit active members of the armed services and their dependents to be eligible for in-State tuition at State community colleges, technical institutions and the constituent institutions of the University of North Carolina, upon third reading.

Senator Rand offers Amendment No. 1. Senator Swain offers a motion that Amendment No. 1 do lie upon the table, which motion fails to prevail for lack of a second. Amendment No. 1 is adopted.

Senator Harris of Mecklenburg offers Amendment No. 2 which he subsequently withdraws.

The Committee Substitute bill, as amended, passes its third reading and is orderd engrossed and sent to the House of Representatives.

H. B. 116 (Senate Committee Substitute No. 2), a bill to allow the head of a local law enforcement agency to appoint traffic control officers.

On motion of Senator Jenkins, consideration of the Senate Committee Substitute bill No. 2 is postponed until Wednesday, May 11.

H. B. 458, a bill to amend the North Carolina Constitution to require that district attorneys and the Attorney General be licensed to practice law, upon third reading.

Having received a three-fifths majority, the bill passes its third reading by roll-call vote, ayes 37, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes of Wayne, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Royall, Speed, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison , Walker, Ward, Warren, Winner, and Woodard—37.

Voting in the negative: Senators Harris of Cleveland and Redman—2.

The bill is ordered enrolled.

On motion of Senator Lawing, seconded by Senator Royall, the Senate adjourns to meet tomorrow in the Senate Chamber, Raleigh, North Carolina, at 1:30 P.M.

EIGHTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, May 11, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, we give You thanks today for the many gifts You have showered on us that make life interesting and enjoyable, for meaningful work that increases our sense of self-esteem, for laughter that reduces tension and eases pain, for the natural beauty of this world that reminds us of your loving presence, and for friends who support and encourage us. Make us worthy to receive these gifts by enabling us to do our work with industry and integrity, by helping us to laugh at ourselves and with others, and by giving us the wisdom and the will to preserve the natural balance and harmony of this good earth. In all that we do, help us to remember to give You the honor and the glory for the wisdom, strength, courage, and hope which come from Your power to enable us to be Your faithful servants. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Jordan for today.

A leave of absence granted previously to Senator Plyler is noted.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 221, an act to amend Article 49 of Chapter 106, relating to hatcheries and chick dealers. (Ch. 290)

S. B. 269 (Committee Substitute), an act to reform certain administrative procedures of the Environmental Management Commission. (Ch. 296)

S. B. 362, an act to provide for partisan elections for the Town of Woodfin. (Ch. 291)

H. B. 143 (Committee Substitute), an act to clarify the definition of day-care plan. (Ch. 297)

H. B. 458, an act to amend the North Carolina Constitution to require that district attorneys and the Attorney General be licensed to practice law. (Ch 298)

H. B. 653, an act to clarify a putative father's right to notice of adoption. (Ch. 292)

H. B. 680, an act to require county directors of social services to respond to requests for consent to separate an infant from its parent. (Ch. 293)

H. B. 713, an act to make technical corrections to various statutes affecting criminal law. (Ch. 294)

H. B. 1012, an act to amend the restrictions on force accounts as applied to Davidson County. (Ch. 295)

RE-REFERRAL

S. B. 436, a bill to provide for the licensing of persons practicing occupational therapy.

Without objection, the Chair orders the bill taken from the **Human Resources Committee** and re-referred to the **State Government Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee:**

S. B. 259 (Committee Substitute), a bill to amend G. S. 20-7.1 relating to change of address on operator's license, learner's permits and special identification cards, with a favorable report.

S. B. 356, a bill to revise the lease fees pertaining to shellfish leases, with a favorable report.

S. B. 357 (Committee Substitute), a bill to revise the license provisions pertaining to marine fisheries and to repeal the seafood tax, with a favorable report.

S. B. 422, a bill to increase and impose certain fees relating to the practice of cosmetic art, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 422** (Committee Substitute), a bill concerning fees relating to the practice of cosmetic art, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 13.

H. B. 52, a bill to allow an income tax deduction for contributions to Radio Emergency Association of Citizens Teams, with a favorable report.

H. B. 223, a bill authorizing the Coastal Resources Commission to set a fee of up to one hundred dollars for a CAMA major development permit, with a favorable report.

By Senator Guy for the Public Utilities and Energy Committee:

H. B. 643, a bill to amend the dam safety law relating to the definition of the term "dam," with a favorable report.

By Senator Staton for the **State Government Committee:**

S. B. 229, a bill requiring a cost statement to appear on State publications, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion, is placed on the Calendar for Friday, May 13.

S. B. 289, a bill designating the Office of State Personnel and the State Personnel Commission as the deferral agency for EEOC complaints, with favorable report.

On motion of Senator Staton, the bill is placed on the Calendar for Friday, May 13.

S. B. 406, a bill to limit the length of General Assembly Sessions, to organize the Sessions and interim committee work in an efficient manner and to provide for a continuing study of General Assembly organization and procedure, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 13.

By Senator Staton for the **State Government/Election Laws Committee:**

H. B. 484, a bill to make technical corrections to the elections statutes, with a favorable report.

H. B. 485, a bill to provide for the simultaneous issuance of absentee ballots and the application for absentee ballots when a voter makes a personal request pursuant to G. S. 163-226, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Gray:

S. J. R. 480, a joint resolution honoring the life and memory of Claude H. Farrell, Jr.

On motion of Senator Gray, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger. (See Appendix)

By Senators Ballenger and Wright:

S. B. 481, a bill to establish qualifications for members of the Utilities Commission.

Referred to **Public Utilities and Energy Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. J. R. 340, a joint resolution honoring the life and memory of Jonas Melvin (Jack) Gardner, a former Member of the General Assembly from Johnston County.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 448 (Committee Substitute), a bill to amend service of process in summary ejectment cases.

Referred to **Judiciary II Committee.**

H. B. 605 (Committee Substitute), a bill to amend G. S. 20-13 and G. S. 20-16 relating to suspension of driver's licenses of provisional licensees and licensees holding motor vehicle operator's licenses.

Referred to **Ways and Means/Transportation Committee.**

H. B. 693, a bill to allow firemen and other investigators to inspect fire-damaged property with an inspection warrant when it is necessary to do so.

Referred to **Judiciary III Committee.**

H. B. 817, a bill regarding escapes from local confinement facilities.

Referred to **Judiciary III Committee.**

H. B. 932, a bill to provide court-ordered parent participation in treatment in certain juvenile cases.

Referred to **Judiciary II Committee.**

H. B. 979, a bill to provide authorization for general permits under the dredge and fill law and clarification of general permits under the Coastal Area Management Act.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. J. R. 1022, a joint resolution providing for Joint Sessions of the House Committee on Public Utilities and the Senate Committee on Public Utilities and Energy to review the Governor's appointees to the Utilities Commission and the Executive Director of the Public Staff, and providing for a Joint Session or Sessions of the House of Representatives and the Senate to act on confirmation of appointments made by the Governor to membership on the North Carolina Utilities Commission and for Executive Director of the Public Staff.

Referred to **Rules and Operation of the Senate Committee.**

RECALL FROM THE ENGROSSING OFFICE

H. B. 118 (Senate Committee Substitute), a bill to authorize the use of the single portal of entry and exit principle in rendering mental health services.

Senator Hancock offers a motion that the Senate Committee Substitute bill be recalled from the Engrossing Office and placed on the Calendar for further consideration, which motion prevails.

Senator Hancock moves that the vote by which the Senate Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

Senator Hancock offers Amendment No. 2 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 123 (Committee Substitute), a bill to allow expunction of arrest records in appropriate cases, as amended, upon third reading.

On motion of Senator Swain, Committee Amendment No. 5, which deletes Amendment No. 2, is adopted.

Senator Swain calls the previous question, seconded by Senator Harris of Cleveland. The call is sustained.

The Committee Substitute bill, as amended, fails to pass its third reading (electronically recorded).

S. B. 255, a bill raising certain fees and taxes collected by the Secretary of State and appropriating funds to the Secretary of State, as amended, with pending Amendment No. 3, upon second reading.

Pending Amendment No. 3, offered by Senator Winner, is adopted (electronically recorded).

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill, as amended, remains on the Calendar, upon third reading.

S. B. 321, a bill to make the appropriate punishment classifications for conspiracies to commit felonies, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 348, a bill to allow Surry County to name and assign street numbers to private roads in unincorporated areas, for concurrence in House Amendment No. 1.

On motion of Senator Marion, the Senate concurs in House Amendment No. 1, which changes the title to read, **S. B. 348,** a bill to allow Stokes and Surry Counties to name and assign street numbers to private roads in unincorporated areas.

The bill is ordered enrolled.

S. B. 430, a bill creating a program of early parole for nondangerous prisoners who consent to complete service of their terms through community service, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

H. B. 617, a bill to impose a separate privilege license tax on persons engaged in an alarm system business licensed under the Private Protective Services Act, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Marion, Martin, Marvin, Parnell, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, Winner, and Woodard—41.

Voting in the negative: Senator Wright—1.

The bill is ordered enrolled.

S. B. 275, a bill to establish a statewide lottery in North Carolina after a binding referendum.

Senator Soles offers a motion that Committee Amendment No. 1 be adopted. The Chair

rules Committee Amendment No. 1 rewrites the bill in its entirety and is a Committee Substitute bill. The Committee Substitute bill is adopted.

Senator Winner offers Amendment No. 1 which is adopted (electronically recorded).

Senator Harris of Cleveland offers Amendment No. 2.

Senator Marion offers a motion to re-refer the Committee Substitute bill, as amended, with pending Amendment No. 2, to the **Finance Committee,** which motion the Chair rules out-of-order.

Senator Barnes of Wayne calls the previous question, seconded by Senator Harris of Cleveland. The call is sustained.

Amendment No. 2, offered by Senator Harris of Cleveland, is adopted (electronically recorded). (See Appendix)

Senator Winner, seconded by Senator Marvin, offers a motion that the Senate do now adjourn, which motion prevails (electronically recorded).

The Chair declares the Senate stands adjourned to meet tomorrow at 1:30 P.M.

EIGHTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, May 12, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Dr. Paul Ausley, retired Presbyterian Minister from Kings Mountain.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Johnson for today and to Senators Kincaid and Barnes of Wayne for tomorrow, May 13.

RE-REFERRAL

S. B. 376, a bill to give 12-month school employees the same vacation benefits as full-time State employees.

On motion of Senator Speed the bill is taken from the **Education Committee** and re-referred to the **Appropriations Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 451, a bill to balance the cost of extending credit on merchants revolving charge

accounts, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Edwards of Caldwell, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Edwards of Caldwell, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 16.

By Senator Speed for the **Education Committee:**

H. B. 329, a bill to amend G. S. 115C-41 pertaining to organization of local boards of education, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Speed, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 16.

H. B. 852, a bill to make the same school consolidation and discontinuance of schools procedures applicable to all public schools, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

H. B. 142 (Committee Substitute), a bill to define resumption of marital relations by separated spouses, with a favorable report.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 337, a bill to provide the same punishment for the sale of a controlled substance to a minor as is currently provided for the delivery of a controlled substance to a minor, with a favorable report.

S. B. 469, a bill to modernize the forgery law to make clear that it applies to checks of savings and loans, credit unions, and federal, State, and local governments, with a favorable report, as amended.

By Senator Guy for the **Public Utilities and Energy Committee:**

S. B. 308, a bill to establish a North Carolina Energy Development Authority, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Guy, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Guy, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 16.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. J. R. 409, a joint resolution honoring the brave life of Anthony Clyde Corn, with a favorable report.

The President orders the joint resolution held on file in the Principal Clerk's office for placement on the Calendar on a date to be determined by the President of the Senate.

S. B. 446, a bill to permit political action committees registered with the Federal Election Commission to contribute to North Carolina campaigns in certain circumstances, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Barnes of Forsyth:

S. B. 482, a bill to appropriate funds for the statewide lottery and the lottery referendum.
Referred to **Appropriations Committee.**

By Senator Jenkins:

S. B. 483, a bill regarding security interest in certain farm products.
Referred to **Judiciary I Committee.**

Senator White moves that Rules 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators White, Alford, Daniels, Duncan, Guy, Harrington, Hunt, Jenkins, Lawing, Parnell, Plyler, Redman, Soles, Speed, Thomas of Craven, Thomas of Henderson, and Warren:

S. B. 484, a bill appropriating funds for agriculture programs at North Carolina State University.
Referred to **Appropriations Committee.**

By Senator Martin:

S. B. 485, a bill to increase tuition for all students at the University of North Carolina, to give all North Carolina students grants to attend the University of North Carolina campus of their choice or to give them incentive loans to attend the North Carolina private college or university of their choice, and to reduce nonresident student attrition due to tuition increase.
Referred to **Higher Education Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1048, a bill to modify G. S. 160A-58.4 with respect to extraterritorial powers outside satellite corporate limits in the Town of Canton.
On motion of Senator Hipps, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.
The bill passes its second and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 524, a bill to repeal all administrative rules adopted under the A.P.A. and require their adoption by the General Assembly.
Referred to **Rules and Operation of the Senate Committee.**

H. B. 700, a bill to allow the State to take a voluntary dismissal with leave when a defendant is found incapable of proceeding.

Referred to **Judiciary III Committee.**

H. B. 997, a bill to provide a method for filling vacancies on the Washington County Board of Education.

Referred to **Local Government and Regional Affairs Committee.**

Without objection, the Chair orders the bill taken from the **Local Government and Regional Affairs Committee** and re-referred to the **State Government/Election Laws Committee.**

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from yesterday, are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 273, a bill to authorize emergency admissions of juveniles to treatment facilities, for concurrence in House Amendment No. 1.

On motion of Senator Harris of Cleveland, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S. B. 275 (Committee Substitute), a bill to establish a statewide lottery in North Carolina after a binding referendum, as amended.

Senator Harris of Mecklenburg moves that the vote by which Amendment No. 2 was adopted be reconsidered, which motion prevails (electronically recorded).

After further debate, Senator Harris of Mecklenburg calls the previous question, which motion the Chair rules out-of-order.

Senator Rauch rises to a point of parliamentary inquiry, as to the re-referral of the Committee Substitute bill, as amended, to the **Appropriations Committee** under Rule 42, upon the failure to adopt Amendment No. 2.

The Chair rules that the introduction of **S. B. 482,** a bill to appropriate funds for the statewide lottery and the lottery referendum, today precludes the necessity of the re-referral of **S. B. 275** to the **Appropriations Committee.**

Amendment No. 2 offered by Senator Harris of Cleveland fails of adoption (electronically recorded).

Senator Rauch offers Amendment No. 3 which is adopted (electronically recorded).

Senator Barnes of Forsyth calls the previous question, duly seconded. The call is sustained.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Debate continues and Senator Daniels offers Amendment No. 4.

Senator Harris of Cleveland rises to object to further consideration of the measure prior to the third reading of the Committee Substitute bill, as amended, and further objects to the third reading of the Committee Substitute bill, as amended. The Committee Substitute bill, as amended, with pending Amendment No. 4, without objection, is ordered engrossed and remains on the Calendar for tomorrow for further consideration, upon third reading.

S. B. 402 (Committee Substitute), a bill to make certain revisions and additions to the credit union law.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 403, a bill to rewrite Article 15 of Chapter 54 of the General Statutes pertaining to corporate credit unions.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 116 (Senate Committee Substitute No. 2), a bill to allow the head of a local law enforcement agency to appoint traffic control officers.

On motion of Senator Barnes of Wayne, consideration of the Senate Committee Substitute bill No. 2 is postponed until Tuesday, May 17.

H. B. 334 (Senate Committee Substitute), a bill to improve the competence of faculty members in the university and public schools of North Carolina in furtherance of the quality assurance program.

On motion of Senator Speed, the Senate Committee Substitute bill is recommitted to the **Education Committee.**

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

S. B. 255, a bill raising certain fees and taxes collected by the Secretary of State and appropriating funds to the Secretary of State, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 259 (Committee Substitute), a bill to amend G. S. 20-7.1 relating to change of address on operator's license, learner's permits and special identification cards.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 294 (Committee Substitute), a bill to tax shelter from current income the contributions of members paid to the Uniform Judicial, Solicitorial and Clerks of Superior Court Retirement Systems by conforming State law to the requirements of Section 414(h) of the United States Internal Revenue Code.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 356, a bill to revise the lease fees pertaining to shellfish leases.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 357 (Committee Substitute), a bill to revise the license provisions pertaining to marine fisheries and to repeal the seafood tax.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 52, a bill to allow an income tax deduction for contributions to Radio Emergency Association of Citizens Teams.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 223, a bill authorizing the Coastal Resources Commission to set a fee of up to one hundred dollars for a CAMA major development permit, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Winner, Woodard, and Wright—42.

Voting in the negative: Senator Daniels—1.

The bill remains on the Calendar upon third reading.

H. B. 484, a bill to make technical corrections to the elections statutes.

Senator Woodard offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 485, a bill to provide for the simultaneous issuance of absentee ballots and the application for absentee ballots when a voter makes a personal request pursuant to G. S. 163-226.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 643, a bill to amend the dam safety law relating to the definition of the term "dam."

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 348, an act to allow Stokes and Surry Counties to name and assign street numbers to private roads in unincorporated areas. (Ch. 299)

S. J. R. 480, a joint resolution honoring the life and memory of Claude H. Farrell, Jr. (Res. 17)

H. B. 617, an act to impose a separate privilege license tax on persons engaged in an alarm system business licensed under the Private Protective Services Act. (Ch. 300)

H. B. 1048, an act to modify G. S. 160A-58.4 with respect to extraterritorial powers outside satellite corporate limits in the Town of Canton. (Ch. 301)

On motion of Senator Lawing, seconded by Senator Hunt, the Senate adjourns to meet tomorrow at 10:00 A.M.

EIGHTY-EIGHTH DAY

SENATE CHAMBER,
Friday, May 13, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Dr. Paul Ausley, retired Presbyterian Minister from Kings Mountain.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Swain, Plyler, Jenkins, Staton, Marvin, and Thomas of Craven for today and to Senators Winner and White for Monday and Tuesday, May 16 and 17.

Leaves of absence granted previously to Senators Kincaid and Barnes of Wayne are noted.

The President grants courtesies of the floor to Harold A. Baker, former Senator from Wilkes County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Education Committee:**

H. B. 334 (Senate Committee Substitute), a bill to improve the competence of faculty members in the University and public schools of North Carolina in furtherance of the quality assurance program, with an unfavorable as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute No. 2, which changes the bill to a joint resolution, upon concurrence, and changing the title to read **H. J. R. 334,** a joint resolution to improve the competence of faculty members in educational methods in the University, the private colleges and universities and in the public schools of North Carolina.

On motion of Senator Speed, the rules are suspended and the Senate Committee Substitute joint resolution No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Senate Committee Substitute joint resolution No. 2 is adopted, and on his further motion is placed on the Calendar for Tuesday, May 17.

By Senator Thomas of Henderson for the **Ways and Means/Transportation Committee:**

S. B. 91, a bill to provide that all occupational licensing boards may receive the interest on funds deposited by them with the State Treasurer for investment, with a favorable report, as amended.

On motion of Senator Thomas of Henderson, the bill is placed on the Calendar for Tuesday, May 17.

H. B. 198, a bill to exempt nonresident military dependents from driver's license requirements, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Thomas of Henderson, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Henderson, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, May 17.

H. B. 199, a bill to permit the odometer disclosure to be made on the certificate of title, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Thomas of Henderson, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Henderson, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, May 17.

H. B. 239, a bill to extend the expiration for the payment of just compensation by local authorities requiring the removal of billboards which are permitted under the provisions of Article 11 of Chapter 136 of the General Statutes, with a favorable report.

H. B. 444, a bill to provide for special licenses for street rods, with a favorable report.

H. B. 477, a bill to increase the fine for illegally parking in a properly designated handicapped parking space, with a favorable report.

H. B. 565, a bill to amend G. S. 20-79.2 pertaining to transporter registration plates, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Thomas of Henderson, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Henderson, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, May 17.

H. B. 764, a bill to amend the limitations on State financial aid to aviation, with a favorable report.

H. B. 815, a bill to permit the appointment of two at-large members of the Aeronautics Council, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Marvin, Harris of Cleveland, and Rauch:

S. B. 486, a bill to appropriate funds for the operation of the Gaston County Detention Facility as a State regional detention facility.
Referred to **Appropriations Committee.**

By Senator Daniels:

S. B. 487, a bill to appropriate funds to the Museum of the Albemarle, the Northeastern Museum/Service Branch of the Museum of History.
Referred to **Appropriations Committee.**

By Senators Plyler, Hardison, Ballenger, Barnes of Forsyth, Daniels, Gray, Hunt, Johnson, Marvin, Staton, Tally, Thomas of Craven, Ward, Warren and Woodard:

S. B. 488, a bill to increase the defined benefit formula accrual rate in the Teachers' and State Emplyees' Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund from 1.57% to 1.60% for both active and retired members commencing on and after July 1, 1983, and to make appropriations.
Referred to **Pensions and Retirement Committee.**

By Senator Hancock:

S. B. 489, a bill to increase the inheritance tax credit for Class A beneficiaries.
Referred to **Finance Committee.**

By Senator Hancock:

S. B. 490, a bill to permit deduction of certain employee contributions to qualified retirement plans.
Referred to **Pensions and Retirement Committee.**

Senator Harrington moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Harrington:

S. B. 491, a bill to appropriate funds to the Department of Agriculture for construction of an irrigation system at the Peanut Belt Research Station at Lewiston.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 67 (House Committee Substitute), a bill to make the Charitable Solicitation Licensure Act inapplicable to certain foundations and trusts, for concurrence in the House Committee Substitute bill.
Referred to **Finance Committee.**

H. B. 124 (Committee Substitute), a bill to expand the use of outpatient involuntary commitments for the mentally ill.
Referred to **Human Resources Committee.**

H. B. 368 (Committee Substitute), a bill to amend Chapter 97 of the General Statutes to

define injury by accident for workers' compensation.
Referred to **Manufacturing, Labor and Commerce Committee.**

H. B. 455 (Committee Substitute), a bill to establish uniform regular and special conditions of probation.
Referred to **Judiciary II Committee.**

H. B. 471, a bill to require a supervision fee of all persons placed on parole.
Referred to **Finance Committee.**

H. B. 618, a bill to revise the Charter of the City of Lumberton.
Referred to **Banking Committee.**

H. B. 744 (Committee Substitute), a bill to amend G. S. 14-320.1 to recognize child custody orders isssued in other states.
Referred to **Judiciary II Committee.**

H. B. 757, a bill to clarify provisions in the Readable Insurance Policies Act.
Referred to **Insurance Committee.**

H. B. 822, a bill to increase the maximum fine for littering in the City of Charlotte.
Referred to **Rules and Operation of the Senate Committee.**

H. B. 838, a bill to add nonviolent offenders in the twenty-one to twenty-four age group to the committed youthful offender law.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 999, a bill to clarify the sales and use tax treatment of certain computer programs used by telephone companies.
Referred to **Finance Committee.**

H. B. 1008, a bill to permit agricultural commodity associations to recover audit costs.
Referred to **Agriculture Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 229 (Committee Substitute), a bill requiring a cost statement to appear on State publications.
The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 275 (Committee Substitute), a bill to establish a statewide lottery in North Carolina after a binding referendum, as amended, with pending Amendment No. 4, upon third reading.
On motion of Senator Barnes of Forsyth, consideration of the Committee Substitute bill, as amended, with pending Amendment No. 4, is postponed (electronically recorded), until Wednesday May 18.

S. B. 289, a bill designating the Office of State Personnel and the State Personnel Commission as the deferral agency for EEOC complaints.
Senator Johnson offers Amendment No. 1 which is adopted (electronically recorded).
The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 337, a bill to provide the same punishment for the sale of a controlled substance to a minor as is currently provided for the delivery of a controlled substance to a minor.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 345 (Committee Substitute), a bill to place a one-year freeze on the granting of certificates of need for alcohol treatment beds, drug treatment beds, or both.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 406 (Committee Substitute), a bill to limit the length of General Assembly Sessions, to organize the Sessions and interim committee work in an efficient manner and to provide for a continuing study of General Assembly organization and procedure.

On motion of Senator Hancock, consideration of the Committee Substitute bill is postponed until Tuesday, May 17.

S. B. 422 (Committee Substitute), a bill concerning fees relating to the practice of cosmetic art.

On motion of Senator Allsbrook, consideration of the Committee Substitute bill is postponed until Tuesday, May 17.

S. B. 446, a bill to permit political action committees registered with the Federal Election Commission to contribute to North Carolina campaigns in certain circumstances.

The bill fails to pass its second reading (electronically recorded).

Senator Gray moves that the vote by which the bill failed to pass its second reading be reconsidered.

Senator Hancock offers a motion that the motion of Senator Gray do lie upon the table, which motion fails for lack of a second.

The motion offered by Senator Gray prevails.

Senator Gray offers a motion that the bill be re-referred to the **State Government/ Election Laws Committee,** which motion prevails (electronically recorded).

S. B. 469, a bill to modernize the forgery law to make clear that it applies to checks of savings and loans, credit unions, and federal, State, and local governments.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 142 (Committee Substitute), a bill to define resumption of marital relations by separated spouses, as amended, with pending Amendment No. 2.

On motion of Senator Soles, the Committee Substitute bill, as amended, with pending Amendment No. 2, is recommitted to the **Judiciary II Committee.**

Without objection, the Chair orders the Committee Substitute bill taken from the **Judiciary II Committee** and placed on the Calendar for Thursday, May 19.

H. B. 223, a bill authorizing the Coastal Resources Commission to set a fee of up to one hundred dollars for a CAMA major development permit, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Lawing, Marion, Martin, Parnell, Rand, Rauch, Redman, Royall,

Soles, Speed, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—40.

Voting in the negative: Senator Daniels—1.

The bill is ordered enrolled.

H. B. 852, a bill to make the same school consolidation and discontinuance of schools procedures applicable to all public schools.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 273, an act to authorize emergency admissions of juveniles to treatment facilities. (Ch. 302)

H. B. 52, an act to allow an income tax deduction for contributions to Radio Emergency Association of Citizens Teams. (Ch. 303)

H. B. 485, an act to provide for the simultaneous issuance of absentee ballots and the application for absentee ballots when a voter makes a personal request pursuant to G. S. 163-226. (Ch. 304)

H. B. 504 (Senate Committee Substitute No. 2), an act to prohibit hunting from designated highways and State secondary roads in Craven County. (Ch. 305)

H. B. 643, an act to amend the dam safety law relating to the definition of the term "dam." (Ch. 306)

On motion of Senator Lawing, seconded by Senator Tison, the Senate adjourns to meet Monday at 8:00 P.M.

EIGHTY-NINTH DAY

SENATE CHAMBER,
Monday, May 16, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, as we begin this new week, the needs of the world weigh heavily upon us — so much that without Your aid they threaten to undo us. We are filled with concern for the needs of the poor, the rights of the oppressed, and the anguish of those caught in the terrifying tumult of war. You have given us hearts of compassion that cause us to hurt when sisters and brothers are in pain. Now grant us the wisdom to deal effectively with this hurting world. As private citizens and as elected representatives, may we hear the voice of Your Spirit speaking to us quietly amid the raucous clamor of this

world. Help us to find ways to bring peace, healing, strength and plenty to all Your children. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Lawing for tomorrow, May 17.

Leaves of absence granted previously to Senators Winner and White are noted.

The President recognizes the following pages serving in the Senate this week: Bruce Batchelor, Jacksonville; Todd Bishop, Brevard; Michelle Coble, Durham; Toni Davis, Jackson; Brian Gates, Dobson; Samantha Glover, Salisbury; Valerie Guenther, Cary; Steve Hall, Raleigh; Porter Hardee, Whiteville; Denise Harris, Louisburg; David Jones, Brevard; Susan Lynn, Raleigh; Patton McDowell, Elizabeth City; Carolyn Powell, Candor; Missy Ramsey, Fletcher; and David Rochelle, Kinston.

RE-REFERRAL

S. B. 67 (House Committee Substitute), a bill to make the Charitable Solicitation Licensure Act inapplicable to certain foundations and trusts.

On motion of Senator Tison, the rules are suspended and the House Committee Substitute bill is taken from the **Finance Committee** and placed on the Calendar for tonight.

S. B. 91, a bill to provide that all occupational licensing boards may receive the interest on funds deposited by them with the State Treasurer for investment.

On motion of Senator Lawing, the bill is taken from the Calendar for Tuesday, May 17, and placed on the Calendar for Wednesday, May 18.

CONFERENCE REPORT

S. B. 117
(House Committee Substitute)

Senator Edwards of Caldwell, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 117** (House Committee Substitute), a bill to increase the membership of the State Banking Commission and to subject the appointment of the Commissioner of Banks to confirmation by the General Assembly, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the House Committee Substitute, adopted 4/11/83, to Senate Bill 117, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE STATE BANKING COMMISSION AND TO SUBJECT THE APPOINTMENT OF THE COMMISSIONER OF BANKS TO CONFIRMATION BY THE GENERAL ASSEMBLY, wish to report as follows:

that the bill be amended

on page 1 line 10 by deleting the number "13" and inserting in lieu thereof the number "12"; and

on page 1 line 15 by deleting the language following the period on that line through and including the period on page 2 line 2 and by inserting in lieu thereof the following:

"The Governor shall appoint five practical bankers and seven persons selected primarily as representatives of the borrowing public. The person appointed by the General Assembly upon the recommendation of the President of the Senate shall be a practical banker. The person appointed by the General Assembly upon the recommendation of the Speaker of the House shall be a person selected primarily as a representative of the borrowing public."; and

on page 3 line 26 by deleting the date "May 1, 1983": and by inserting in lieu thereof the date "June 1, 1983".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

JIM EDWARDS	CHARLES D. EVANS
CONRAD R. DUNCAN	W. PAUL PULLEY, JR.
HAROLD W. HARDISON	RUTH E. COOK
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

On motion of Senator Edwards of Caldwell, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson:

S. B. 492, a bill to allow unused sick leave to be counted in determining eligibility for service retirement with the Teachers' and State Employees' Retirement System and the Law Enforcement Officers' Benefit and Retirement fund and to make an appropriation.
Referred to **Pensions and Retirement Committee.**

Senator Lawing moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator White:

S. B. 493, a bill to appropriate funds to the Department of Agriculture for upgrading the State Metrology Laboratory to qualify for certification by the National Bureau of Standards.
Referred to **Appropriations Committee.**

Senator Lawing moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator White:

S. B. 494, a bill to require uniform scale tickets for grain.
Referred to **Agriculture Committee.**

By Senator Hipps:

S. B. 495, a bill to make interstate transfers of prisoners more open to public scrutiny.
Referred to **Judiciary III Committee.**

By Senator Hipps:

S. B. 496, a bill to require leave of court before a criminal charge may be dismissed.
Referred to **Ways and Means Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 934, a joint resolution honoring the memory of the Members of the General Assembly of 1783 and of Governor Alexander Martin.

On motion of Senator Ward, the rules are suspended (electronically recorded), and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 194, a bill to rewrite certain of the forest laws of North Carolina, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, Tuesday, May 17.

H. B. 178, a bill to create the offense of misdemeanor embezzlement.
Referred to **Judiciary II Committee.**

H. B. 519 (Committee Substitute), a bill to revise the qualifications for real estate licenses.
Referred to **Banking Committee.**

H. B. 579, a bill to increase the minimum amount for construction contracts which require performance and payment bonds.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 580, a bill to amend the Charter of the City of Charlotte to provide for an alternative eminent domain procedure.
Referred to **Rules and Operation of the Senate Committee.**

H. B. 737 (Committee Substitute), a bill to amend the Employment Security Law to assure federal compliance and other technical amendments.

Referred to **Manufacturing, Labor and Commerce Committee.**

H. B. 818, a bill to require local tax-levying authority approval for all improvements to community colleges and technical institutes funded from private sources before the local tax-levying authority will be responsible for local financial support.
Referred to **Higher Education Committee.**

H. B. 832 (Committee Substitute), a bill to accelerate the parole of certain inmates when necessary for effective prison management.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 851, a bill clarifying procedures of local inspection departments and authorizing compensation of local planning agencies.
Referred to **Manufacturing, Labor and Commerce Committee.**

H. B. 890, a bill to allow all sanitary districts to exercise all powers permitted by the Sanitary District Law.
Referred to **Judiciary I Committee.**

H. B. 921, a bill making bigamy a misdemeanor.
Referred to **Judiciary II Committee.**

H. B. 922, a bill to make witness intimidation a felony.
Referred to **Judiciary III Committee.**

H. B. 956, a bill to amend G. S. 115D-20 relating to powers and duties of trustees of community colleges.
Referred to **Judiciary II Committee.**

H. B. 988, a bill to rewrite the statute under which nonpublic post-secondary educational institutions may be licensed to conduct post-secondary degree activity in North Carolina.
Referred to **Higher Education Committee.**

H. B. 995, a bill to grant certain domiciliary care facilities an exemption from reporting and uniform chart of accounts requirements.
Referred to **Human Resources Committee.**

H. B. 1014, a bill to amend Article 18B of General Statutes Chapter 58 in order to continue North Carolina's eligibility for riot reinsurance under the Federal Fair Plan.
Referred to **Insurance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 67 (House Committee Substitute), a bill to make the Charitable Solicitation Licensure Act inapplicable to certain foundations and trusts, upon concurrence in House Committee Substitute.
On motion of Senator Tison, the Senate concurs (electronically recorded) in the House Committee Substitute bill, and the bill is ordered enrolled.

S. B. 308 (Committee Substitute), a bill to establish a North Carolina Energy Development Authority, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Marion, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, and Woodard—42.

Voting in the negative: Senator Wright—1.

The Committee Substitute bill remains on the Calendar upon third reading.

S. B. 451, (Committee Substitute), a bill to balance the cost of extending credit on merchants revolving charge accounts.

On motion of Senator Hardison, consideration of the Committee Substitute bill is postponed until Tuesday, May 17.

H. B. 239, a bill to extend the expiration for the payment of just compensation by local authorities requiring the removal of billboards which are permitted under the provisions of Article 11 of Chapter 136 of the General Statutes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 329 (Senate Committee Substitute), a bill to amend G. S. 115C-41 pertaining to organization of local boards of education.

On motion of Senator Allsbrook, consideration of the Senate Committee Substitute bill is postponed until Friday, May 20.

H. B. 444, a bill to provide for special licenses for street rods, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, Woodard, and Wright—46.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 477, a bill to increase the fine for illegally parking in a properly designated handicapped parking space.

The bill passes its second reading (electronically recorded).

On objection of Senator Allred to its third reading, the bill remains on the Calendar for further consideration.

H. B. 764, a bill to amend the limitations on State financial aid to aviation.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 815, a bill to permit the appointment of two at-large members of the Aeronautics Council.

The bill passes its second reading (electronically recorded).

On objection of Senator Warren to its third reading, the bill remains on the Calendar for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 58 (Committee Substitute), an act to amend G. S. 20-286(11) relating to the definition of motor vehicle dealer. (Ch. 312)

S. B. 240, an act to amend the Right to a Natural Death Act. (Ch. 313)

S. B. 299, an act to remove retirement age restrictions in the unorganized militia and the North Carolina State Defense Militia. (Ch. 314)

S. B. 300, an act to revise the procedures for nonjudicial punishment and summary courts-martial in the North Carolina National Guard. (Ch. 315)

S. B. 301, an act to adopt the use of the current manual for courts-martial. (Ch. 316)

S. B. 306, an act to permit consular or diplomatic plates to be issued to accredited persons without regard to their country of nationality. (Ch. 317)

S. B. 447, an act to provide that the general law as to voter assistance applies in Cherokee County. (Ch. 310)

H. B. 223, an act authorizing the Coastal Resources Commission to set a fee of up to one hundred dollars for a CAMA major development permit. (Ch. 307)

H. B. 414 (Senate Committee Substitute), an act to allow the court to enjoin the disposal of marital property pending institution of an equitable distribution action. (Ch. 309)

H. B. 468 (Senate Committee Substitute), an act to revise the procedures for nomination of candidates to the State Board of Community Colleges. (Ch. 311)

H. B. 852, an act to make the same school consolidation and discontinuance of schools procedures applicable to all public schools. (Ch. 308)

On motion of Senator Lawing, seconded by Senator Martin, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINETIETH DAY

SENATE CHAMBER,
Tuesday, May 17, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we pray today for the men and women of this Senate not as legislators, but as Your children who stand in need of Your care and support. We expect so

much more from them than any human being is able to give. We overload them with work, demand that they become instant experts on dozens of issues, and overwhelm them with conflicting opinions from constituents on every issue. We pray for Your Spirit of wisdom, power, and peace to rest upon them today. As they seek to respond to the demands of their calling help them to know their own limits and their own needs. Encourage them, support them, enlighten them and grant them a haven in Your arms from the cares and expectations which we have laid upon them. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Leaves of absence granted previously to Senators Winner, White, and Lawing are noted.

Senator Winner is noted present for a portion of today's Session.

The President grants courtesies of the floor to Billy Arthur, former Reading Clerk of the House of Representatives.

Senator Royall offers a motion that the rules of the Senate be suspended to grant courtesies of the floor to Robert Scott, President of the Community College System and Carl Horn, Chairman of the Board of Directors of the Community College System and he further moves that they be allowed to approach the Well of the Senate, which motions prevail. President Scott reads a Resolution to the Senate, and Chairman Horn presents the Senate with a plaque commemorating the Twentieth Anniversary of the establishment of the Community College System.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Higher Education Committee:**

S. B. 421, a bill to make technical changes to the community college laws, with a favorable report.

By Senator Jenkins for the **Insurance Committee:**

S. B. 443, a bill to extend for two years the time for compliance by insurers with the law regarding the amount of capital and/or surplus required for the formation and organization of companies, with a favorable report.

On motion of Senator Jenkins, the bill is placed on the Calendar for Friday, May 20.

H. B. 490 (Committee Substitute), a bill to permit payment of dividends based on the loss experience of individual policyholders in workers' compensation insurance, with a favorable report.

On motion of Senator Jenkins, the Committee Substitute bill is placed on the Calendar for Friday, May 20.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 184, a bill to allow inclusion of certain juvenile records in pre-sentence reports, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 23.

By Senator Soles for the **Judiciary II Committee:**

S. B. 40, a bill to amend Chapter 66, Article 19, Business Opportunity Sales, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 40,** a bill to amend Chapter 66, Article 19, to clarify the scope of the Business Opportunity Sales Act, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 20.

S. B. 473, a bill to make shopping cart theft unlawful, with a favorable report.

H. B. 177, a bill providing compensation for innocent victims of crime, with a favorable report.

On motion of Senator Soles, the bill is re-referred to the **Finance Committee.**

H. B. 448 (Committee Substitute), a bill to amend service of process in summary ejectment cases, with a favorable report.

H. B. 682, a bill to allow the use of the State courier service or a common or contract carrier in addition to the United States mail for purposes of maintaining a chain of custody, with a favorable report.

On motion of Senator Soles, the bill is placed on the Calendar for Friday, May 20.

By Senator Marion for the **Local Government and Regional Affairs Committee.**

S. B. 107, a bill to revise the annexation laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Marion, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Marion, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Pensions and Retirement Committee.**

H. B. 219, a bill to authorize Wake County deputy sheriffs to purchase their revolvers, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 530 (Committee Substitute), a bill to authorize the establishment of a special deputy program for the sheriffs of Caswell, Davidson, Edgecombe, Granville, Guilford, Halifax, Person, Vance and Warren Counties and to make the North Carolina Worker's Compensation Act applicable to members of the special deputy program, with a favorable report.

On motion of Senator Marion, the Committee Substitute bill is placed on the Calendar for Friday, May 20.

H. B. 569, a bill to annex a certain tract of land to the Town of Murphy, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 574 (Committee Substitute), a bill to allow the Town of Maiden to make street improvements and assess the cost against abutting property owners without a petition, with a favorable report.

On motion of Senator Marion, the Committee Substitute bill is placed on the Calendar for Friday, May 20.

H. B. 590, a bill to amend the Charter of the City of Wilmington to delete references to the position of city treasurer, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 591, a bill to amend the Charter of the City of Wilmington to provide for the licensing and regulation of vehicles for hire, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 623 (Committee Substitute), a bill to incorporate the Town of King in Stokes County, with a favorable report.

On motion of Senator Marion, the Committee Substitute bill is placed on the Calendar for Friday, May 20.

H. B. 625, a bill to allow the Asheville City Board of Education to pay its ten-month employees on or before the tenth day of each month, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 636, a bill to allow Clay County to dispose of certain property at private sale, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 637, a bill to allow the County of Graham to exchange property with the United States Forest Service, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 638, a bill to raise the force account construction limit for Macon County, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 754, a bill to annex territory to the Town of Pilot Mountain, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 789, a bill to authorize a unit of local government to provide a discount for special assessment payments made within thirty days of the due date, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 798, a bill to grant the Winston-Salem/Forsyth County Board of Education authority to sell surplus school property to nonprofit organizations by private negotiations and sale, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 801, a bill to amend the Charter of the Town of Southern Pines, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 804 (Committee Substitute), a bill to amend the School Budget and Fiscal Control Act concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years, with a favorable report.

On motion of Senator Marion, the Committee Substitute bill is placed on the Calendar for Friday, May 20.

H. B. 816, a bill prohibiting interference with an emergency in Forsyth County, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 828, a bill to limit the applicability of a proposed school supplement tax in Transylvania County, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 840 (Committee Substitute), a bill to authorize A. D. Ward to convey certain lands to the City of New Bern, and to authorize members of the Board of Aldermen to make loan applications, with a favorable report.

On motion of Senator Marion, the Committee Substitute bill is placed on the Calendar for Friday, May 20.

H. B. 854 (Committee Substitute), a bill to waive compliance with certain statutes in the construction of the New Hanover County refuse fired steam generating facility, with a favorable report.

On motion of Senator Marion, the Committee Substitute bill is placed on the Calendar for Friday, May 20.

H. B. 862, a bill to amend the Charter and related laws of the City of Wilmington to clarify procedures relating to special use districts and special use permits, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 863, a bill to amend the Charter of the City of Wilmington to revise certain ordinance procedures, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 864, a bill to repeal previous New Hanover County local acts concerning taxing and regulation of professional bondsmen, and establishing a law library, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 866, a bill to allow the Cumberland County Board of Commissioners to conduct an advisory referendum on the question of a Sunday-closing law, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 870, a bill concerning the deadline for modifying the boundaries of Durham City election wards, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 878, a bill to provide that the City of Durham may contract with and appropriate money to any person, association, or corporation for the accomplishment of public purposes, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 880, a bill altering the distribution of profits of the City of Hertford ABC Board, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 885, a bill to incorporate within the Town of Mint Hill certain unannexed territory lying within its outer boundaries, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

H. B. 887, a bill to amend the Charter of the City of Durham, by adding provisions relating to fair housing, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Friday, May 20.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Speed moves that Rule 41 be suspended to allow the introduction of the following bill, which motion prevails by a four-fifths majority vote (electronically recorded).

By Senator Speed:

S. B. 497, a bill to authorize the Commissioners of the Town of Louisburg to convey certain property to Louisburg College, Inc., a North Carolina corporation.

On motion of Senator Speed, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senator Speed:

S. B. 498, a bill to appropriate funds to the Department of Agriculture for roof repair and maintenance at the State Farmers Market and the State Fairgrounds.

Referred to **Appropriations Committee.**

By Senators Rauch, Marvin, and Harris of Cleveland:

S. B. 499, a bill to appropriate funds for capital improvements to the Gaston County Museum of Art and History in Dallas.

Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 50 (House Committee Substitute), a bill to amend the powers of the Commissioner of Insurance to regulate health maintenance organizations, for concurrence in the House Committee Substitute bill.

Referred to **Insurance Committee.**

H. B. 298 (Committee Substitute), a bill to validate certain conveyances where seals were omitted.

Referred to **Judiciary II Committee.**

H. B. 315 (Committee Substitute), a bill to strengthen laws regulating sales of alcoholic beverages.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 583 (Committee Substitute), a bill to provide time to study the need for new intermediate care facility beds for the mentally retarded.

Referred to **Human Resources Committee.**

H. B. 607 (Committee Substitute), a bill to prohibit hunting from roads and to prohibit deer hunting on the lands of another without the consent of the landowner in Wilson County.

Referred to **Natural and Economic Resources and Wildlife Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 194, a bill to rewrite certain of the forest laws of North Carolina, for concurrence in House Amendment No. 1.

On motion of Senator Jordan, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 308 (Committee Substitute), a bill to establish a North Carolina Energy Development Authority, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, Winner, and Woodard—45.

Voting in the negative: Senator Wright—1.

The Committee Substitute bill is ordered sent to the House of Representatives.

S. B. 406 (Committee Substitute), a bill to limit the length of General Assembly Sessions, to organize the Sessions and interim committee work in an efficient manner and to provide for a continuing study of General Assembly organization and procedure.

Senator Hancock offers Amendment No. 1 which is adopted (electronically recorded).

Senator Hancock offers Amendment No. 2 which is adopted (electronically recorded).

Senator Redman offers Amendment No. 3 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Allsbrook to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for Tuesday, May 24, for further consideration.

S. B. 422 (Committee Substitute), a bill concerning fees relating to the practice of cosmetic art.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

May 17, 1983

S. B. 451, a bill to balance the cost of extending credit on merchants revolving charge accounts.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Jenkins to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 116 (Senate Committee Substitute No. 2), a bill to allow the head of a local law enforcement agency to appoint traffic control officers.

On motion of Senator Barnes of Wayne, consideration of the Senate Committee Substitute bill No. 2 is postponed until Thursday, May 19.

H. B. 198 (Senate Committee Substitute), a bill to exempt nonresident military dependents from driver's license requirements.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 199 (Senate Committee Substitute), a bill to permit the odometer disclosure to be made on the certificate of title.

The Senate Committee Substitute passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. J. R. 334 (Senate Committee Substitute No. 2), a joint resolution to improve the competence of faculty members in educational methods in the University, the private colleges and universities and in the public schools of North Carolina.

Senator Warren offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute joint resolution No. 2, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute joint resolution No. 2.

H. B. 444, a bill to provide for special licenses for street rods, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 477, a bill to increase the fine for illegally parking in a properly designated handicapped parking space, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 565 (Senate Committee Substitute), a bill to amend G. S. 20-79.2 pertaining to transporter registration plates.

On motion of Senator Edwards of Caldwell, the Senate Committee Substitute bill is re-referred to the **Insurance Committee.**

May 17, 1983

H. B. 815, a bill to permit the appointment of two at-large members of the Aeronautics Council, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 67 (House Committee Substitute), an act to make the Charitable Solicitation Licensure Act inapplicable to certain foundations and trusts. (Ch. 320)

S. B. 252, an act to amend the County Special Assessments Law (G. S. Chapter 153A, Article 9) with respect to small watersheds, drainage programs, and maintenance charges, to authorize county spending and taxes for drainage projects, and to make related changes. (Ch. 321)

S. B. 410, an act relating to public obligations in registered form. (Ch. 322)

H. B. 239, an act to extend the expiration for the payment of just compensation by local authorities requiring the removal of billboards which are permitted under the provisions of Article 11 of Chapter 136 of the General Statutes. (Ch. 318)

H. B. 764, an act to amend the limitations on State financial aid to aviation. (Ch. 319)

H. J. R. 934, a joint resolution honoring the memory of the Members of the General Assembly of 1783 and of Governor Alexander Martin. (Res. 18)

On motion of Senator Royall, seconded by Senator Harris of Mecklenburg, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINETY-FIRST DAY

SENATE CHAMBER,
Wednesday, May 18, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, as we stand before You today, we give thanks for the fact that we represent many different faiths, political parties, and regional interests. We pray that You will encourage us to enjoy and celebrate our differences and the creative energies which each of us brings to this forum of ideas. At the same time, we ask that You will help us to become united in the common goal of seeking to find and do Your will for us as a people. Help us to put away the false pride and superficial differences that hinder our full cooperation, and to remember that a healthy diversity should never keep us from sharing common dreams and hopes of peace and justice for all people. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the

Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a continuing leave of absence to Senator Speed for Wednesday, May 18 through Monday, May 23 due to his physician's instructions.

Senator Jordan and Senator Plyler are noted present for a portion of today's Session.

The President extends courtesies of the gallery to Joan Mondale, wife of former Vice President of the United States, Walter Mondale, and to Robert Morgan, former United States Senator from North Carolina.

RE-REFERRAL

S. B. 40 (Committee Substitute), a bill to amend Chaper 66, Article 19, to clarify the scope of the Business Opportunity Sales Act.

Without objection, the Chair orders the Committee Substitute bill taken from the Calendar for Friday, May 20, and recommitted to the **Judiciary II Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 330 (Committee Substitute), a bill to prevent the sexual exploitation of children, with a favorable report, as amended.

On motion of Senator Allsbrook, the Committee Substitute bill is placed on the Calendar for Monday, May 23.

By Senator Soles for the **Judiciary II Committee:**

S. B. 279, a bill to prohibit discrimination in housing, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 23.

By Senator Barnes of Wayne for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

S. B. 404, a bill to clarify statutory provisions regarding good conduct time credits in reduction of prison sentences, with a favorable report.

On motion of Senator Barnes of Wayne, the bill is placed on the Calendar for Friday, May 20.

H. B. 236 (Committee Substitute), a bill requiring deferral of imprisonment of pregnant defendants convicted of nonviolent crimes, with a favorable report, as amended.

On motion of Senator Barnes of Wayne, the Committee Substitute bill is placed on the Calendar for Friday, May 20.

H. B. 719, a bill to clarify the Department of Correction's authority to provide treatment and training programs for mentally retarded prisoners, with a favorable report.

On motion of Senator Barnes of Wayne, the bill is placed on the Calendar for Friday, May 20.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

S. B. 432, a bill to prohibit bear hunting with dogs in Pamlico County, with a favorable report.

S. B. 466, a bill to repeal local legislation pertaining to dairy herds in Buncombe County, with a favorable report.

H. B. 649, a bill to revise the parts of Chapter 162A of the General Statutes relating to metropolitan sewerage districts, with a favorable report.

H. B. 784, a bill to amend the Beach Access Program relating to land acquisition, with a favorable report.

H. B. 883, a bill to regulate the use of firearms on public highways in the Counties of Hoke and Robeson, with a favorable report, as amended.

By Senator Plyler for the **Pensions and Retirement Committee:**

S. B. 139, a bill to allow the purchase of creditable service with the State retirement systems for leaves of absence when in receipt of workers' compensation, with a favorable report.

On motion of Senator Jenkins, the bill is re-referred to the **Pensions and Retirement Committee.**

By Senator Guy for the **Public Utilities and Energy Committee:**

S. B. 307, a bill to amend the statute providing an annual fee for emergency planning for each fixed nuclear facility within the State of North Carolina to include such fee for any facility with a Plume Exposure Pathway Emergency Planning Zone which extends into this State, with a favorable report.

On motion of Senator Guy, the bill is re-referred to the **Finance Committee.**

By Senator Staton for the **State Government Committee:**

S. B. 372, a bill to assure that if the Western Residence of the Governor in Asheville is damaged or destroyed, it will be repaired, with a favorable report, as amended.

By Senator Staton for the **State Government/Election Laws Committee:**

S. B. 418, a bill to amend the law regarding the use of public buildings to reflect that political parties now hold annual meetings, and to restrict use only if it interferes with school functions and activities, with a favorable report.

H. B. 157, a bill relating to the certification of elections which are contested, with a favorable report.

H. B. 201, a bill to require a majority of landowners for the creation of a rural fire protection district, with a favorable report, as amended.

H. B. 253, a bill to provide that when the filing deadline for candidacy to two or more public offices is the same, a person may not file as a candidate for more than one office, with a favorable report.

H. B. 295 (Committee Substitute), a bill to permit a registered voter who has moved from one precinct to another within the same county more than thirty days before an election to record a change of address on election day and vote in the office of the county board of elections or at another location designated by the board, with a favorable report, as amended.

H. B. 386, a bill to make technical corrections in the elections statutes, with a favorable report.

By Senator Thomas of Henderson for the **Ways and Means Committee:**

S. B. 496, a bill to require leave of court before a criminal charge may be dismissed, with a favorable report.

By Senator Thomas of Henderson for the **Ways and Means/Transportation Committee:**

S. B. 177, a bill to require that drivers' licenses and special identification cards be color-coded according to age, with a favorable report.

S. B. 453, a bill to amend the authority of the Department of Transportation to set fees for signs, sign permits, and junkyard permits, with a favorable report.

On motion of Senator Thomas of Henderson, the bill is re-referred to the **Finance Committee.**

H. B. 523, a bill to amend the Motor Vehicles Equipment Inspection Law, with an unfavorable report.

H. B. 683, a bill to rewrite G. S. 20-217 pertaining to passing stopped school buses and receiving or discharging passengers from school buses stopped on divided roadways, with a favorable report.

H. B. 869, a bill to permit the routing of school buses to allow the receiving and discharging of passengers on divided roadways, with a favorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 117 HOUSE OF REPRESENTATIVES
May 17, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on S. B. No. 117, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE STATE BANKING COMMISSION AND TO SUBJECT THE APPOINTMENT OF THE COMMISSIONER OF BANKS TO CONFIRMATION BY THE GENERAL ASSEMBLY, to

the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

The bill is ordered enrolled.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Duncan and Marion:

S. B. 500, a bill to appropriate funds for a nature science and cultural center for Farris Memorial Park in Western Rockingham County.
Referred to **Appropriations Committee.**

By Senators Allred and Jenkins:

S. B. 501, a bill to limit legal fees in worker's compensation cases.
Referred to **Judiciary I Committee.**

By Senators Allred and Kincaid:

S. B. 502, a bill to require speed limit signs to be posted conspicuously and frequently on major roadways within municipal corporate limits.
Referred to **Judiciary I Committee.**

By Senators Harris of Cleveland and Swain:

S. B. 503, a bill to amend the time of execution of persons sentenced to death.
Referred to **Judiciary I Committee.**

By Senators Gray, Edwards of Guilford, and Martin:

S. B. 504, a bill to clarify the venue for the trial of felony offenses committed within the corporate limits of a municipality which lies within more than one county.
Referred to **Judiciary II Committee.**

By Senator Edwards of Caldwell:

S. B. 505, a bill to authorize clerks of court to enter judgments of absolute divorce under certain circumstances.
Referred to **Judiciary III Committee.**

By Senator Walker:

S. B. 506, a bill to strengthen the role of political parties in election financing.
Referred to **State Government/Election Laws Committee.**

By Senator Ward:

S. B. 507, a bill to amend the laws regarding the opening of textbook bids and to require local school boards to remit textbook fees to the State Board on an annual basis.

Referred to **Education Committee.**

By Senator Rauch:

S. B. 508, a bill to clarify the State Treasurer's investment authority and to enhance the management of the Trust Fund Investment Program.
Referred to **Finance Committee.**

By Senator Staton:

S. B. 509, a bill to require title insurance rate filings.
Referred to **Insurance Committee.**

By Senators Walker and Hunt:

S. B. 510, a bill to provide funds for medical assessments of children suspected of being abused or neglected.
Referred to **Appropriations Committee.**

By Senators Thomas of Craven and Daniels:

S. B. 511, a bill to authorize review by the Marine Fisheries Commission of proclamations issued by the Secretary of the North Carolina Department of Natural Resources and Community Development.
Referred to **Natural and Economic Resources and Wildlife Committee.**

Senator Parnell moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Parnell:

S. B. 512, a bill to appropriate funds to the Department of Agriculture for a witchweed quarantine program.
Referred to **Appropriations Committee.**

By Senators Rand, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Hipps, Jenkins, Johnson, Jordan, Marion, Martin, Marvin, Parnell, Plyler, Rauch, Redman, Royall, Soles, Staton, Swain, Tally, Thomas of Craven, Ward, Warren, Winner, Woodard, and Wright:

S. B. 513, a bill to establish unique and relevant education and training standards for sheriffs, their deputies, and other personnel.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

By Senators Marvin, Barnes of Wayne, Daniels, Gray, Guy, Hancock, Harrington, Harris of Cleveland, Hipps, Hunt, Johnson, Kincaid, Rand, Redman, Speed, Tally, Thomas of Henderson, Tison, Walker, Ward, Winner, Wooodard, and Wright:

S. B. 514, a bill to amend G. S. 14-322 to permit garnishment of up to forty percent of wages for willful failure to provide child support.
Referred to **Judiciary II Committee.**

By Senators Walker, Barnes of Wayne, Barnes of Forsyth, Childers, Edwards of

Caldwell, Gray, Guy, Hancock, Harrington, Hunt, Jenkins, Johnson, Marion, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Tally, Thomas of Craven, Winner, Woodard, and Wright:

S. B. 515, a bill to authorize voluntary payroll deductions for professional association membership dues.

Referred to **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 97 (Committee Substitute), a bill to clarify the length of time for which notice of a foreclosure hearing must be posted, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, Thursday, May 19.

S. B. 168, a bill to restrict the use of intangible tax revenue by Henderson County, for concurrence in the House Committee Substitute bill, which changes the title to read, **S. B. 168** (House Committee Substitute), a bill to dedicate funds for the Henderson County Courthouse, which is placed on the Calendar for tomorrow, Thursday, May 19.

H. B. 688, a bill to amend the licensing of domiciliary homes for the aged or disabled and the Domiciliary Bill of Rights.

Referred to **State Government/Senior Citizens Committee.**

H. B. 716 (Committee Substitute), a bill to assure unemployment insurance trust fund solvency and compliance with federal law.

Referred to **Manufacturing, Labor and Commerce Committee.**

H. B. 752 (Committee Substitute), a bill to amend the consumer protection law to make it easier for consumers to enforce the rights granted to them under the law.

Referred to **Judiciary III Committee.**

H. B. 946, a bill to amend G. S. 14-288.8 concerning weapons of mass destruction.

Referred to **Judiciary II Committee.**

H. B. 978 (Committee Substitute), a bill to amend G. S. 24-10 concerning fees on second mortgages.

Referred to **Banking Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 91, a bill to provide that all occupational licensing boards may receive the interest on funds deposited by them with the State Treasurer for investment.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Hardison to its third reading, the bill, as amended, remains on the Calendar for further consideration, with fiscal note to be attached.

S. B. 275 (Committee Substitute), a bill to establish a statewide lottery in North Carolina after a binding referendum, as amended, with pending Amendment No. 4, upon third reading.

Pending Amendment No. 4 offered by Senator Daniels is adopted (electronically recorded).

Senator Barnes of Forsyth offers a motion the the rules be suspended to allow him to send forward an amendment identical to defeated Amendment No. 2, which motion fails to prevail (electronically recorded).

Senator Barnes of Forsyth offers Amendment No. 5, which he subsequently withdraws.

Senator Barnes of Forsyth offers a motion that the Committee Substitute bill, as amended, be re-referred to the **Appropriations Committee.**

Senator Soles offers a substitute motion that the Committee Substitute bill, as amended, be re-referred to the **Finance Committee,** which motion fails to prevail (electronically recorded).

The motion of Senator Barnes of Forsyth to re-refer the Committee Substitute bill, as amended, to the **Appropriations Committee** fails to prevail (electronically recorded).

Senator Martin offers a motion that the Committee Substitute bill, as amended, be re-referred to the **Rules and Operation of the Senate Committee.**

Senator Harris of Cleveland, seconded by Senator Wright, offers a motion that the motion of Senator Martin and the Committee Substitute bill, as amended, do lie upon the table, which motion prevails (electronically recorded). The Committee Substitute bill, as amended, lies upon the table.

Senator Allsbrook offers a motion that the vote by which the motion to table the Committee Substitute bill, as amended, prevailed be reconsidered, and that that motion do lie upon the table, which motion prevails (electronically recorded).

S. B. 421, a bill to make technical changes to the community college laws.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 451 (Committee Substitute), a bill to balance the cost of extending credit on merchants revolving charge accounts, upon third reading.

The Committee Substitute bill fails to pass its third reading (electronically recorded).

S. B. 473, a bill to make shopping cart theft unlawful.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 448 (Committee Substitute), a bill to amend service of process in summary ejectment cases.

On motion of Senator Hancock, consideration of the Committee Substitute bill is postponed until Thursday, May 19.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 194, an act to rewrite certain of the forest laws of North Carolina. (Ch. 327)

H. B. 444, an act to provide for special licenses for street rods. (Ch. 323)

H. B. 477, an act to increase the fine for illegally parking in a properly designated handicapped parking space. (Ch. 326)

H. B. 484, an act to make technical corrections to the elections statutes. (Ch. 324)

H. B. 815, an act to permit the appointment of two at-large members of the Aeronautics Council. (Ch. 325)

On motion of Senator Lawing, seconded by Senator Barnes of Forsyth, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINETY-SECOND DAY

SENATE CHAMBER,
Thursday, May 19, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, we gratefully acknowledge that everything we have comes from You — sunshine and rainfall, warm days for growing food, and cold nights for gathering closely with family and friends. You also give us work to do and the energy and intelligence we need for doing it. We give You thanks for work that does more than provide the income we need — that affirms our worth as human beings who can contribute something of value to our common life together. We pray today for those for whom work is meaningless, who find no joy or purpose in their daily routine. Help us all to appreciate that even the most menial tasks are essential, and if done well reflect Your glory, becoming a small but important part of the whole fabric of human industry. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Hunt for today, and to Senator Royall, who will be attending an Executive Committee Meeting of the Council of State Governments in Boston, Massachusetts for tomorrow, May 20; also to Senators Gray and Hunt for tomorrow, May 20.

The President also grants a leave of absence to Senator Daniels for Tuesday, Wednesday, and Thursday, May 24, 25, and 26.

A leave of absence granted previously to Senator Speed is noted.

RE-REFERRALS

S. B. 198, a bill to amend Chapter 97 of the General Statutes pertaining to salaries of commissioners.

On motion of Senator Childers, the bill is taken from the **Manufacturing, Labor and Commerce Committee** and re-referred to the **Appropriations Committee.**

S. B. 200, a bill pertaining to salaries of deputy commissioners of the Industrial Commission.

On motion of Senator Childers, the bill is taken from the **Manufacturing, Labor and Commerce Committee** and re-referred to the **Appropriations Committee.**

H. B. 789, a bill to authorize a unit of local government to provide a discount for special assessment payments made within thirty days of the due date.

On motion of Senator Hipps, the bill is taken from the Calendar for Friday, May 20, and is placed on the Calendar for Monday, May 23.

RECONSIDERATION

S. B. 451 (Committee Substitute), a bill to balance the cost of extending credit on merchants revolving charge accounts.

Senator Davis moves that the vote by which the Committee Substitute bill failed to pass its third reading be reconsidered, which motion prevails (electronically recorded).

On motion of Senator Hardison, the Committee Substitute bill is re-referred to the **Banking Committee** (electronically recorded).

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

H. B. 519 (Committee Substitute), a bill to revise the qualifications for real estate licenses, with a favorable report.

On motion of Senator Edwards of Caldwell, the Committee Substitute bill is placed on the Calendar for Monday, May 23.

H. B. 618, a bill to revise the Charter of the City of Lumberton, with a favorable report.

By Senator Warren, Vice-Chairman, for the **Education Committee:**

S. B. 413, a bill to delete the requirement that county superintendents of schools be approved by the State Board of Education and the Superintendent of Public Instruction, with a favorable report, as amended.

H. B. 796 (Committee Substitute), a bill to permit a local school administrative unit with more than 70,000 students to extend the probationary period for nontenured teachers, with a favorable report, as amended.

On motion of Senator Warren, the Committee Substitute bill is placed on the Calendar for Wednesday, May 25.

By Senator Rauch for the **Finance Committee:**

S. B. 411, a bill to permit the issuance of revenue bonds and revenue notes by the State of North Carolina and agencies thereof as hereinafter authorized by the General Assembly, with a favorable report.

S. B. 427, a bill to create the Auctioneer Recovery Fund, with a favorable report.

S. B. 440, a bill to allow the line for income tax checkoff to the North Carolina Election

Campaign Fund to appear anywhere on the front face of the return, with a favorable report.

S. B. 441, a bill to remove the ceiling on the North Carolina Election Campaign Fund so as to allow all money designated by taxpayers to be used, with a favorable report.

H. B. 363, a bill to authorize the Wildlife Resources Commission to conduct managed hunts on game lands and to charge fees for processing applications and use of related facilities, with a favorable report.

H. B. 919, a bill to change the method of determining the amount due under the soft drink dispenser tax, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

H. B. 450 (Committee Substitute), a bill to authorize testators to provide for the cremation of their bodies after death by appropriate testamentary declaration in their last will and testament, with a favorable report, as amended.

By Senator Soles for the **Judiciary II Committee:**

S. B. 40 (Committee Substitute), a bill to amend Chapter 66, Article 19, to clarify the scope of the Business Opportunity Sales Act, with a favorable report.

H. B. 235 (Committee Substitute), a bill regarding jurisdiction to override certain privileges, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, May 24.

H. B. 616 (Committee Substitute), a bill regarding retention and destruction of library books in Dare County, with a favorable report.

H. B. 921, a bill making bigamy a misdemeanor with a favorable report.

H. B. 956, a bill to amend G. S. 115D-20 relating to powers and duties of trustees of community colleges, with a favorable report.

By Senator Childers for the **Manufacturing, Labor and Commerce Committee:**

H. B. 368 (Committee Substitute), a bill to amend Chapter 97 of the General Statutes to define injury by accident for workers' compensation, with a favorable report, as amended.

On motion of Senator Childers, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Childers, the Committee Substitute bill, as amended, is re-referred to the **Appropriations Committee.**

H. B. 851, a bill clarifying procedures of local inspection departments and authorizing compensation of local planning agencies, with a favorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. J. R. 445, a joint resolution requesting the Legislative Research Commission to study the procedure for incorporating municipalities, with a favorable report, as amended.

S. J. R. 468, a joint resolution requesting the State's Congressional Delegation to encourage the United States Fish and Wildlife Service to adjust the federal bird hunting season limitations so as to restore to the waterfowl hunters of North Carolina the hunting days lost by reason of the State's prohibition of hunting with firearms on Sunday, with a favorable report.

S. B. 474, a bill to change the composition of the Committee on Employee Hospital and Medical Benefits, with a favorable report.

H. J. R. 340, a joint resolution honoring the life and memory of Jonas Melvin (Jack) Gardner, a former Member of the General Assembly from Johnston County, with a favorable report.

H. J. R. 589, a joint resolution designating Wilmington as an International City, with a favorable report.

H. B. 670, a bill requiring the operator of any vessel operated on the waters of the State to stop for a blue light or siren exhibited by any law enforcement officer during the performance of duties, with a favorable report.

H. J. R. 760, a joint resolution directing the Mental Health Study Commission to examine funding policies of area mental health, mental retardation and substance abuse programs, with a favorable report.

H. B. 822, a bill to increase the maximum fine for littering in the City of Charlotte, with a favorable report.

H. J. R. 1022, a joint resolution providing for Joint Sessions of the House Committee on Public Utilities and the Senate Committee on Public Utilities and Energy to review the Governor's appointees to the Utilities Commission and the Executive Director of the Public Staff, and providing for a Joint Session or Sessions of the House of Representatives and the Senate to act on confirmation of appointments made by the Governor to membership on the North Carolina Utilities Commission and for Executive Director of the Public Staff, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Winner, Barnes of Wayne, and Rand:

S. B. 516, a bill to require the Personnel Administration Commission for public school employees to provide recommendations to the General Assembly.

Referred to **Education Committee.**

By Senators Edwards of Caldwell, Barnes of Wayne, Barnes of Forsyth, Childers, Gray, Hunt, Martin, Marvin, Rand, Staton, Tally, Walker, Warren, and Woodard:

S. B. 517, a bill to provide a seven percent across-the-board salary increase for all State

employees and educators, full increments for public school employees and the equivalent of a four and eight-tenths percent step increase for all State employees, a tenth step for all State employees and educators who are currently on a salary schedule with only nine steps, and a seven percent increase in retirement allowances.

Referred to **Pensions and Retirement Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 374, a bill for a program for basic and vocational skills at grades seven and eight, for concurrence in House Amendment No. 1.

On motion of Senator Swain, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Senate concurs (electronically recorded) in House Amendment No. 1, and the bill is ordered enrolled.

H. B. 21 (Committee Substitute), a bill to remove the defenses of unlawful arrest in cases of resisting arrest by use of a deadly weapon or deadly force.

Referred to **Judiciary II Committee.**

H. B. 722, a bill to clarify the independence of the Industrial Commission from the Secretary of Commerce in the appointment of deputy commissioners and in the exercise of its quasijudicial functions.

Referred to **Manufacturing, Labor and Commerce Committee.**

H. B. 779 (Committee Substitute), a bill to modify the certificate of need law for life care centers.

Referred to **Human Resources Committee.**

H. B. 916 (Committee Substitute), a bill to establish the Governor's Management Council.

Referred to **State Government Committee.**

H. B. 994, a bill to permit the use of handguns in taking big game mammals.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 1037, a bill makng the Copmmissioner of Insurance an ex officio member of the Public Officers and Employees Liability Insurance Commission.

Referred to **Insurance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 91, a bill to provide that all occupational licensing boards may receive the interest on funds deposited by them with the State Treasurer for investment, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded), and is ordered engrossed and sent to the House of Representatives.

S. B. 97 (Committee Substitute), a bill to clarify the length of time for which notice of a

foreclosure hearing must be posted, for concurrence in House Amendment No. 1.

On motion of Senator Soles, the Senate concurs in House Amendment No. 1 (electronically recorded), changing the title to read **S. B. 97** (Committee Substitute), a bill to clarify certain time periods relating to foreclosures.

The Committee Substitute bill is ordered enrolled.

S. B. 168 (House Committee Substitute), a bill to restrict the use of intangible tax revenue by Henderson County, for concurrence in the House Committee Substitute bill.

On motion of Senator Thomas of Henderson, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S. B. 177, a bill to require that drivers' licenses and special identification cards be color-coded according to age.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 372, a bill to assure that if the Western Residence of the Governor in Asheville is damaged or destroyed, it will be repaired.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

Senator Winner offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 418, a bill to amend the law regarding the use of public buildings to reflect that political parties now hold annual meetings, and to restrict use only if it interferes with school functions and activities.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 432, a bill to prohibit bear hunting with dogs in Pamlico County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 466, a bill to repeal local legislation pertaining to dairy herds in Buncombe County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 496, a bill to require leave of court before a criminal charge may be dismissed.

On motion of Senator Hipps, the bill is re-referred to the **Judiciary III Committee.**

H. B. 116 (Senate Committee Substitute No. 2), a bill to allow the head of a local law enforcement agency to appoint traffic control officers.

On motion of Senator Barnes of Wayne, consideration of the Senate Committee Substitute bill No. 2 is postponed until Wednesday, May 25.

H. B. 142 (Committee Subsitute), a bill to define resumption of marital relations by separated spouses, as amended, with pending Amendment No. 2.

On motion of Senator Soles, consideration of the Committee Substitute bill, as amended, with pending Amendment No. 2, is postponed until Tuesday, May 24.

H. B. 157, a bill relating to the certification of elections which are contested.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

May 19, 1983

H. B. 201, a bill to require a majority of landowners for the creation of a rural fire protection district, upon second reading.

On motion of Senator Hancock, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H. B. 201,** a bill to require a higher percentage petition of landowners for the creation of a rural fire protection district.

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 253, a bill to provide that when the filing deadline for candidacy to two or more public offices is the same, a person may not file as a candidate for more than one office.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 295 (Committee Substitute), a bill to permit a registered voter who has moved from one precinct to another within the same county more than thirty days before an election to record a change of address on election day and vote in the office of the county board of elections or at another location designated by the board.

On motion of Senator Woodard, Committee Amendment No. 1 is adopted.

The Committee Subsitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Warren to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 386, a bill to make technical corrections in the elections statutes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 448 (Committee Substitute), a bill to amend service of process in summary ejectment cases.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 649, a bill to revise the parts of Chapter 162A of the General Statutes relating to metropolitan sewerage districts.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 683, a bill to rewrite G. S. 20-217 pertaining to passing stopped school buses and receiving or discharging passengers from school buses stopped on divided roadways.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

Senator Jenkins offers Amendment No. 2.

Without objection, the Chair orders the bill, as amended, with pending Amendment

No. 2 taken from the Calendar and re-referred to a Special Committee for recommendation.

H. B. 784, a bill to amend the Beach Access Program relating to land acquisition.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 869, a bill to permit the routing of school buses to allow the receiving and discharging of passengers on divided roadways.

The bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill remains on the Calendar for further consideration.

H. B. 883, a bill to regulate the use of firearms on public highways in the Counties of Hoke and Robeson.

On motion of Senator Hipps, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

TAKEN FROM CALENDAR OF FRIDAY, MAY 20

H. B. 569, a bill to annex a certain tract of land to the Town of Murphy, upon second reading.

On motion of Senator Marion, the bill is taken from the Calendar for Friday, May 20, and is placed on the Calendar for immediate consideration upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Jenkins, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Soles, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 574 (Committee Substitute), a bill to allow the Town of Maiden to make street improvements and assess the cost against abutting property owners without a petition.

On motion of Senator Marion, the Committee Substitute bill is taken from the Calendar for Friday, May 20, and is placed on the Calendar for immediate consideration, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Jenkins, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Soles, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 623 (Committee Substitute), a bill to incorporate the Town of King in Stokes County.

On motion of Senator Marion, the Committee Substitute bill is taken from the Calendar for Friday, May 20, and is placed on the Calendar for immediate consideration, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Jenkins, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Soles, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, May 23, upon third reading.

H. B. 754, a bill to annex territory to the Town of Pilot Mountain.

On motion of Senator Marion, the bill is taken from the Calendar for Friday, May 20, and is placed on the Calendar for immediate consideration, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Jenkins, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Soles, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 23, upon third reading.

H. B. 801, a bill to amend the Charter of the Town of Southern Pines.

On motion of Senator Marion, the bill is taken from the Calendar for Friday, May 20, and is placed on the Calendar for immediate consideration, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Jenkins, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Soles, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 885, a bill to incorporate within the Town of Mint Hill certain unannexed territory lying within its outer boundaries.

On motion of Senator Marion, the bill is taken from the Calendar for Friday, May 20, and is placed on the Calendar for immediate consideration, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell,

Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Jenkins, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Soles, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 869, a bill to permit the routing of school buses to allow the receiving and discharging of passengers on divided roadways.

Without objection, the Chair orders the bill taken from the Calendar of Friday, May 20, and re-referred to the Special Committee along with **H. B. 683** for recommendation.

RE-REFERRAL

H. B. 796 (Committee Substitute), a bill to permit a local school administrative unit with more than 70,000 students to extend the probationary period for nontenured teachers.

On motion of Senator Warren, the Committee Substitute bill is taken from the Calendar for Wednesday, May 25, and is placed on the Calendar for tomorrow, Friday, May 20.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 117 (House Committee Substitute), an act to increase the membership of the State Banking Commission and to subject the appointment of the Commissioner of Banks to confirmation by the General Assembly.

On motion of Senator Lawing, seconded by Senator Ballenger, the Senate adjourns to meet tomorrow at 10:00 A.M.

NINETY-THIRD DAY

SENATE CHAMBER,
Friday, May 20, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, Creator of all the worlds that are and Sustainer of all existence, we thank You that You are still working through the processes that shape and change the universe and all the living things in it; that there is no event from which You are absent; and that Your ultimate purpose in all events is loving and just. We pray that we may become, through Your Spirit, a positive part of Your plan in creation, that what we do may advance Your pupose and intent for the world. Help us to find You where You are at work, and to be willing to join You in a holy alliance to work toward the new creation promised by Your prophets. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Hancock, Staton, Harris of Mecklenburg, Hipps, and Thomas of Craven for today and to Senator Thomas of Craven for Monday, May 23.

Leaves of absence granted previously to Senators Speed, Hunt, Royall, and Gray are noted.

Senators Hancock and Hipps are noted present for a portion of today's Session.

The President extends courtesies of the floor to Katherine Sebo, former Senator from Guilford County.

RE-REFERRAL

S. B. 515, a bill to authorize voluntary payroll deductions for professional association membership dues.

Without objection, the Chair orders the bill taken from the **Finance Committee** and re-referred to the **Education Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Select Committee on H. B. 683 and H. B. 869:**

H. B. 683, a bill to rewrite G. S. 20-217 pertaining to passing stopped school buses and receiving or discharging passengers from school buses stopped on divided roadways, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Warren, the Senate Committee Substitute bill is adopted, and on his further motion remains before the Senate for further consideration.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Warren to its third reading, the Senate Committee Substitute bill remains on the Calendar for Tuesday, May 24, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Lawing and Warren:

S. B. 518, a bill to create the Legislative Commission on Medical Cost Containment.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Lawing and Warren:

S. B. 519, a bill to clarify the provision for filing of insurance rates.
Referred to **Insurance Committee.**

By Senator Edwards of Caldwell:

S. B. 520, a bill to limit the number of central school administrative offices to be funded by the State.
Referred to **Education Committee.**

By Senator Allsbrook:

S. B. 521, a bill to appropriate funds for Historic Halifax.
Referred to **Appropriations Committee.**

By Senators Harris of Mecklenburg, Barnes of Wayne, Barnes of Forsyth, Ballenger, and Martin:

S. B. 522, a bill to provide an additional scholarship loan fund for prospective teachers.
Referred to **Appropriations Committee.**

By Senator Staton:

S. B. 523, a bill to change the population and size requirement for a county department of human resources.
Referred to **Human Resources Committee.**

By Senator Staton:

S. B. 524, a bill to extend death benefits under the Workers' Compensation Act.
Referred to **Manufacturing, Labor and Commerce Committee.**

By Senator Thomas of Craven:

S. B. 525, a bill to allow areas closed for reasons of pollution by the Division of Marine Fisheries to be reopened more quickly.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Thomas of Craven:

S. B. 526, a bill to appropriate funds to study the feasibility of replacing the swing span of the Trent River Railroad Bridge at New Bern.
Referred to **Appropriations Committee.**

By Senator Warren:

S. B. 527, a bill to appropriate equipment funds for secondary vocational education programs and services.
Referred to **Appropriations Committee.**

By Senator Warren:

S. B. 528, a bill to appropriate funds to the Department of Agriculture for a sweet potato research facility on the Horticultural Crops Research Station at Clinton.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 420, a bill to require numbering of all vessels, for concurrence in House Amendment No. 1.
Referred to **Finance Committee.**

H. B. 648, a bill to allow the Transylvania County Board of Education to transfer certain property to nonprofit civic improvement organizations.
Referred to **Ways and Means Committee.**

H. B. 731, a bill to authorize the Tyrrell County Board of Education to enter into certain contracts without complying with the provisions of Chapter 133 and of Article 8 of Chapter 143 of the General Statutes.
Referred to **Ways and Means/Small Business Committee.**

H. B. 782, a bill requiring property owners of adjoining property in certain counties to maintain fences on property lines.
Referred to **Finance Committee.**

H. B. 942, a bill relating to municipalities and procedures for the operation and financing of joint municipal power agencies.
Referred to **Public Utilities and Energy Committee.**

H. B. 975, a bill to provide that all certificates of need for ICF and SNF bed capacity issued before July 1, 1983, are withdrawn as to bed capacity not constructed or in operation on or before July 1, 1985.
Referred to **Human Resources Committee.**

H. B. 1061, a bill to ensure due process for persons whose cars are towed pursuant to a law enforcement officer's order.
Referred to **Banking Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 40 (Committee Substitute), a bill to amend Chapter 66, Article 19, to clarify the scope of the Business Opportunity Sales Act.
The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 404, a bill to clarify statutory provisions regarding good conduct time credits in reduction of prison sentences.
The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 411, a bill to permit the issuance of revenue bonds and revenue notes by the State of North Carolina and agencies thereof as herinafter authorized by the General Assembly, upon second reading.
The bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:
Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of

Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Soles, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—36.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

S. B. 413, a bill to delete the requirement that county superintendents of schools be approved by the State Board of Education and the Superintendent of Public Instruction.

On motion of Senator Edwards of Guilford, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 427, a bill to create the Auctioneer Recovery Fund.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 440, a bill to allow the line for income tax checkoff to the North Carolina Election Campaign Fund to appear anywhere on the front face of the return.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 441, a bill to remove the ceiling on the North Carolina Election Campaign Fund so as to allow all money designated by taxpayers to be used.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 443, a bill to extend for two years the time for compliance by insurers with the law regarding the amount of capital and/or surplus required for the formation and organization of companies.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. J. R. 445, a joint resolution requesting the Legislative Research Commission to study the procedure for incorporating municipalities.

On motion of Senator Edwards of Caldwell, Committee Amendment No. 1 is adopted.

Without objection, the Chair orders the joint resolution, as amended, re-referred to a **Special Committee on S. J. R. 445** for a recommendation.

S. J. R. 468, a joint resolution requesting the State's Congressional Delegation to encourage the United States Fish and Wildlife Service to adjust the federal bird hunting season limitations so as to restore to the waterfowl hunters of North Carolina the hunting days lost by reason of the State's prohibition of hunting with firearms on Sunday.

The joint resolution passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 474, a bill to change the composition of the Committee on Employee Hospital and Medical Benefits.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 201, a bill to require a higher percentage petition of landowners for the creation of a rural fire protection district, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Harris of Cleveland, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Soles, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—36.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 219, a bill to authorize Wake County deputy sheriffs to purchase their revolvers.

The bill passes its second and third readings and is ordered enrolled.

H. B. 236 (Committee Substitute), a bill requiring deferral of imprisonment of pregnant defendants convicted of nonviolent crimes.

On motion of Senator Woodard, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 295 (Committee Substitute), a bill to permit a registered voter who has moved from one precinct to another within the same county more than thirty days before an election to record a change of address on election day and vote in the office of the county board of elections or at another location designated by the board, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 329 (Senate Committee Substitute), a bill to amend G. S. 115C-41 pertaining to organization of local boards of education.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Ward to its third reading, the Senate Committee Substitute bill remains on the Calendar for Wednesday, May 25, for further consideration.

H. J. R. 340, a joint resolution honoring the life and memory of Jonas Melvin (Jack) Gardner, a former Member of the General Assembly from Johnston County.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 363, a bill to authorize the Wildlife Resources Commission to conduct managed hunts on game lands and to charge fees for processing applications and use of related facilities, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Harris of Cleveland, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Soles, Tally, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—36.

Voting in the negative: None.

The bill as amended, remains on the Calendar upon third reading.

H. B. 450 (Committee Substitute), a bill to authorize testators to provide for the cremation of their bodies after death by appropriate testamentary declaration in their last will and testament.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

Senator Winner offers Amendment No. 2 which he subsequently withdraws.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Martin to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 490 (Committee Substitute), a bill to permit payment of dividends based on the loss experience of individual policyholders in workers' compensation insurance.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 530 (Committee Substitute), a bill to authorize the establishment of a special deputy program for the sheriffs of Caswell, Davidson, Edgecombe, Granville, Guilford, Halifax, Person, Vance and Warren Counties and to make the North Carolina Worker's Compensation Act applicable to members of the special deputy program.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 540, a bill to include three satellite areas within the corporate limits of the City of Lenoir, upon third reading.

Senator Edwards of Caldwell offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Harris of Cleveland, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Rand, Rauch, Redman, Soles, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—39.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 569, a bill to annex a certain tract of land to the Town of Murphy, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Harris of Cleveland, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Soles, Swain, Tally, Thomas of Henderson, Tison, Ward, Warren, White, Winner, Woodard, and Wright—39.

Voting in the negative: None.
The bill is ordered enrolled.

H. B. 574 (Committee Substitute), a bill to allow the Town of Maiden to make street improvements and assess the cost against abutting property owners without a petition, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Harris of Cleveland, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Soles, Swain, Tally, Thomas of Henderson, Tison, Ward, Warren, White, Winner, Woodard, and Wright—39.

Voting in the negative: None.
The Committee Substitute bill is ordered enrolled.

H. J. R. 589, a joint resolution designating Wilmington as an International City.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 590, a bill to amend the Charter of the City of Wilmington to delete references to the position of city treasurer.

The bill passes its second and third readings and is ordered enrolled.

H. B. 591, a bill to amend the Charter of the City of Wilmington to provide for the licensing and regulation of vehicles for hire.

The bill passes its second and third readings and is ordered enrolled.

H. B. 616 (Committee Substitute), a bill regarding retention and destruction of library books in Dare County.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 618, a bill to revise the Charter of the City of Lumberton.

The bill passes its second and third readings and is ordered enrolled.

H. B. 625, a bill to allow the Asheville City Board of Education to pay its ten-month employees on or before the tenth day of each month.

The bill passes its second and third readings and is ordered enrolled.

H. B. 636, a bill to allow Clay County to dispose of certain property at private sale.

The bill passes its second and third readings and is ordered enrolled.

H. B. 637, a bill to allow the County of Graham to exchange property with the United States Forest Service.

The bill passes its second and third readings and is ordered enrolled.

H. B. 638, a bill to raise the force account construction limit for Macon County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 670, a bill requiring the operator of any vessel operated on the waters of the State to stop for a blue light or siren exhibited by any law enforcement officer during the performance of duties.

The bill passes its second and third readings and is ordered enrolled.

H. B. 682, a bill to allow the use of the State courier service or a common or contract carrier in addition to the United States mail for purposes of maintaining a chain of custody.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 719, a bill to clarify the Department of Correction's authority to provide treatment and training programs for mentally retarded prisoners.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. J. R. 760, a joint resolution directing the Mental Health Study Commission to examine funding policies of area mental health, mental retardation and substance abuse programs.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 796 (Committee Substitute), a bill to permit a local school administrative unit with more than 70,000 students to extend the probationary period for nontenured teachers.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 798, a bill to grant the Winston-Salem/Forsyth County Board of Education authority to sell surplus school property to nonprofit organizations by private negotiations and sale.

The bill passes its second and third readings and is ordered enrolled.

H. B. 801, a bill to amend the Charter of the Town of Southern Pines, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Harris of Cleveland, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Soles, Swain, Tally, Thomas of Henderson, Tison, Ward, Warren, White, Winner, Woodard, and Wright—39.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 804 (Committee Substitute), a bill to amend the School Budget and Fiscal Control Act concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 816, a bill prohibiting interference with an emergency in Forsyth County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 822, a bill to increase the maximum fine for littering in the City of Charlotee.

The bill passes its second and third readings and is ordered enrolled.

H. B. 828, a bill to limit the applicability of a proposed school supplement tax in Transylvania County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 840 (Committee Substitute), a bill to authorize A. D. Ward to convey certain lands to the City of New Bern, and to authorize members of the Board of Aldermen to make loan applications.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 851, a bill clarifying procedures of local inspection departments and authorizing compensation of local planning agencies.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 854 (Committee Substitute), a bill to waive compliance with certain statutes in the construction of the New Hanover County refuse fired steam generating facility.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 862, a bill to amend the Charter and related laws of the City of Wilmington to clarify procedures relating to special use districts and special use permits.

The bill passes its second and third readings and is ordered enrolled.

H. B. 863, a bill to amend the Charter of the City of Wilmington to revise certain ordinance procedures.

The bill passes its second and third readings and is ordered enrolled.

H. B. 864, a bill to repeal previous New Hanover County local acts concerning taxing and regulation of professional bondsmen, and establishing a law library.

On motion of Senator Marion, the bill is re-referred to the **Appropriations Committee.**

H. B. 866, a bill to allow the Cumberland County Board of Commissioners to conduct an advisory referendum on the question of a Sunday-closing law.

The bill passes its second and third readings and is ordered enrolled.

H. B. 870, a bill concerning the deadline for modifying the boundaries of Durham City election wards.

The bill passes its second and third readings and is ordered enrolled.

H. B. 878, a bill to provide that the City of Durham may contract with and appropriate money to any person, association, or corporation for the accomplishment of public purposes.

The bill passes its second and third readings and is ordered enrolled.

H. B. 880, a bill altering the distribution of profits of the City of Hertford ABC Board.

The bill passes its second and third readings and is ordered enrolled.

H. B. 885, a bill to incorporate within the Town of Mint Hill certain unannexed territory lying within its outer boundaries, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of

Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Harris of Cleveland, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Soles, Swain, Tally, Thomas of Henderson, Tison, Ward, Warren, White, Winner, Woodard, and Wright—39.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 887, a bill to amend the Charter of the City of Durham, by adding provisions relating to fair housing.

The bill passes its second and third readings and is ordered enrolled.

H. B. 919, a bill to change the method of determining the amount due under the soft drink dispenser tax.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 921, a bill making bigamy a misdemeanor.

The bill fails to pass its second reading (electronically recorded).

H. B. 956, a bill to amend G. S. 115D-20 relating to powers and duties of trustees of community colleges.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. J. R. 1022, a joint resolution providing for Joint Sessions of the House Committee on Public Utilities and the Senate Committee on Public Utilities and Energy to review the Governor's appointees to the Utilities Commission and the Executive Director of the Public Staff, and providing for a Joint Session or Sessions of the House of Representatives and the Senate to act on confirmation of appointments made by the Governor to membership on the North Carolina Utilities Commission and for Executive Director of the Public Staff.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

TAKEN FROM CALENDAR OF MONDAY, MAY 23

H. B. 623 (Committee Substitute), a bill to incorporate the Town of King in Stokes County.

On motion of Senator Marion the Committee Substitute bill is taken from the Calendar for Monday, May 23, and is placed before the Senate for immediate consideration, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Harris of Cleveland, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Soles, Swain, Tally, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—38.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H. B. 754, a bill to annex territory to the Town of Pilot Mountain.

On motion of Senator Marion the bill is taken from the Calendar for Monday, May 23 and is placed before the Senate for immediate consideration, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Harris of Cleveland, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Soles, Swain, Tally, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—38.

Voting in the negative: None.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 97 (Committee Substitute), an act to clarify certain periods relating to foreclosures. (Ch. 335)

S. B. 168 (House Committee Substitute), an act to dedicate funds for the Henderson County Courthouse. (Ch. 336)

S. B. 352, an act to change the boundary between the Fairmont City and Robeson County Administrative School Units. (Ch. 337)

S. B. 365, an act to raise the compensation of the Moore County Board of Education. (Ch. 338)

S. B. 369, an act to permit the Nash County Board of Commissioners to appropriate additional funds for industrial development. (Ch. 339)

S. B. 374, an act for a program for basic and vocational skills at grades seven and eight. (Ch. 340)

S. B. 431, an act to clarify that condominiums in the Town of Atlantic Beach shall be considered to be tracts of five acres or less for the purpose of the annexation law. (Ch. 341)

S. B. 497, an act to authorize the Commissioners of the Town of Louisburg to convey certain property to Louisburg College, Inc., a North Carolina corporation. (Ch. 342)

H. B. 157, an act relating to the certification of elections which are contested. (Ch. 329)

H. B. 253, an act to provide that when the filing deadline for candidacy to two or more public offices is the same, a person may not file as a candidate for more than one office. (Ch. 330)

H. B. 386, an act to make technical corrections in the elections statutes. (Ch. 331)

H. B. 448 (Committee Substitute), an act to amend service of process in summary ejectment cases. (Ch. 332)

H. B. 649, an act to revise the parts of Chapter 162A of the General Statutes relating to metropolitan sewerage districts. (Ch. 333)

H. B. 784, an act to amend the Beach Access Program relating to land acquisition. (Ch. 334)

On motion of Senator Lawing, seconded by Senator Allred, the Senate adjourns to meet Monday at 7:30 P.M.

NINETY-FOURTH DAY

SENATE CHAMBER,
Monday, May 23, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"We praise Your Name, O God, for all that You have done for us — in providing for our constant welfare, in saving us, in promising us a more complete life in Your kingdom. We pray this night that You will help us to repay Your goodness and mercy to us through our right use of all that You have given us. Teach us how to care for this world in which You have placed us, preserving and protecting it for future generations. Help us to be grateful for all that we have that makes life pleasant and enjoyable, and to share our bounty with those of Your children who do not have enough. Call us to work toward Your kingdom in this present life — by affirming each other, rooting out injustice, and seeking always to find peaceful solutions to human problems. Bless especially the men and women of this Senate as they meet this week. Inspire them with Your wisdom, invigorate them with Your power, and infuse them with Your courage that they may lead with integrity for the glory of Your Name. Amen."

Senator Lawing for the Rules and Operation of the Senate Commmittee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and its stands approved as written.

The President grants leaves of absence to Senators Harris of Mecklenburg and Thomas of Henderson for tonight, and to Senator Plyler for tomorrow, May 24.

Leaves of absence granted previously to Senators Thomas of Craven and Speed are noted.

The President recognizes the following pages serving in the Senate this week: Jim Childers, Southern Pines; Jonathan Cousins, Knightdale; Sheryl Curlee, Jacksonville; Michelle Freedman, Clarkton; Lori Goldsmith, Horse Shoe; Tom Jones, Burlington; Kristie McGee, Benson; Rosemary McNiel, Burlington; Wendy Turner, Fayetteville; Scott Wedemeyer, Rockingham; Mandy Wood, Glade Valley; Keith Zito, Morehead City; and Scott Zito, Morehead City.

RE-REFERRAL

S. B. 520, a bill to limit the number of central school administrative offices to be funded by the State.

Without objection, the Chair orders the bill taken from the **Education Committee** and re-referred to the **Appropriations Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Rand:

S. B. 529, a bill to amend Section 75-16 of the North Carolina General Statutes to limit the award of treble damages for violations.
Referred to **Judiciary III Committee.**

By Senator Ballenger:

S. B. 530, a bill to provide for the appointment of special process servers.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 405, a bill to permit persons to engage in business as a pawnbroker in unincorporated areas of Pitt County, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, May 24.

H. B. 548 (Committee Substitute), a bill to modify the penalty for nonsupport.
Referred to **Judiciary III Committee.**

H. B. 825, a bill to add Duplin County to the list of counties that may use attachment and garnishment to collect fees for ambulance services.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 905, a bill to amend Chapter 7A of the General Statutes by eliminating the Judicial Council.
Referred to **Judiciary I Committee.**

H. B. 989, a bill to make unlawful the unauthorized reconnection of a lawfully disconnected utility.
Referred to **Public Utilities and Energy Committee.**

H. B. 1001, a bill to revise and consolidate the Charter of the Town of Ellenboro and to repeal prior local acts.
Referred to **Local Government and Regional Affairs Committee.**

H. J. R. 1023, a joint resolution welcoming the National Judicial College to North Carolina and expressing support for the establishment of a permanent eastern location at Wake Forest University honoring the late Dean Weathers.
Referred to **Rules and Operation of the Senate Committee.**

H. B. 1026, a bill relating to the formation of new political parties to conform with federal court rulings.
Referred to **State Government/Election Laws Committee.**

May 23, 1983

H. B. 1070, a bill to clarify that judges of election, like other precinct officials, may register voters anywhere in the county.

Referred to **State Government/Election Laws Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 184 (Committee Substitute), a bill to allow inclusion of certain juvenile records in pre-sentence reports.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 279 (Committee Substitute), a bill to prohibit discrimination in housing.

Senator Johnson offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 330 (Committee Substitute), a bill to prevent the sexual exploitation of children.

On motion of Senator Edwards of Guilford, the Committee Substitute bill is recommitted to the **Judiciary I Committee.**

S. B. 411, a bill to permit the issuance of revenue bonds and revenue notes by the State of North Carolina and agencies thereof as hereinafter authorized by the General Assembly, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Staton, Swain, Tally, Tison, Walker, Ward, Warren, White, Winner, and Wright—40.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H. B. 363, a bill to authorize the Wildlife Resources Commission to conduct managed hunts on game lands and to charge fees for processing applications and use of related facilities, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Staton, Swain, Tally, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 450 (Committee Substitute), a bill to authorize testators to provide for the cremation of their bodies after death by appropriate testamentary declaration in their last

will and testament, as amended, upon third reading.

On motion of Senator Swain, the Committee Substitute bill, as amended, is recommitted to the **Judiciary I Committee.**

H. B. 519 (Committee Substitute), a bill to revise the qualifications for real estate licenses.

Senator Redman is excused from voting (electronically recorded) on the Committee Substitute bill for the stated reason: "I am a real estate broker."

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Jenkins to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 789, a bill to authorize a unit of local government to provide a discount for special assessment payments made within thirty days of the due date.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 219, an act to authorize Wake County deputy sheriffs to purchase their revolvers. (Ch. 343)

H. J. R. 340, a joint resolution honoring the life and memory of Jonas Melvin (Jack) Gardner, a former Member of the General Assembly from Johnston County. (Res. 19)

H. B. 490 (Committee Substitute), an act to permit payment of dividends based on the loss experience of individual policyholders in workers' compensation insurance. (Ch. 374)

H. B. 530 (Committee Substitute), an act to authorize the establishment of a special deputy program for the sheriffs of Caswell, Davidson, Edgecombe, Granville, Guilford, Halifax, Person, Vance and Warren Counties and to make the North Carolina Worker's Compensation Act applicable to members of the special deputy program. (Ch. 344)

H. B. 569, an act to annex a certain tract of land to the Town of Murphy. (Ch. 345)

H. B. 574 (Committee Substitute), an act to allow the Town of Maiden to make street improvements and assess the cost against abutting property owners without a petition. (Ch. 346)

H. J. R. 589, a joint resolution designating Wilmington as an International City. (Res. 20)

H. B. 590, an act to amend the Charter of the City of Wilmington to delete references to the position of city treasurer. (Ch. 347)

H. B. 591, an act to amend the Charter of the City of Wilmington to provide for the licensing and regulation of vehicles for hire. (Ch. 348)

H. B. 616 (Committee Substitute), an act regarding retenton and destruction of library books in Dare County. (Ch. 349)

H. B. 618, an act to revise the Charter of the City of Lumberton. (Ch. 350)

H. B. 623 (Committee Substitute), an act to incorporate the Town of King in Stokes County. (Ch. 351)

H. B. 625, an act to allow the Asheville City Board of Education to pay its ten-month employees on or before the tenth day of each month. (Ch. 352)

H. B. 636, an act to allow Clay County to dispose of certain property at private sale. (Ch. 353)

H. B. 637, an act to allow the County of Graham to exchange property with the United States Forest Service. (Ch. 354)

H. B. 638, an act to raise the force account construction limit for Macon County. (Ch. 355)

H. B. 670, an act requiring the operator of any vessel operated on the waters of the State to stop for a blue light or siren exhibited by any law enforcement officer during the performance of duties. (Ch. 356)

H. B. 682, an act to allow the use of the State courier service or a common or contract carrier in addition to the United States mail for purposes of maintaining a chain of custody. (Ch. 375)

H. B. 719, an act to clarify the Department of Correction's authority to provide treatment and training programs for mentally retarded prisoners. (Ch. 376)

H. B. 754, an act to annex territory to the Town of Pilot Mountain. (Ch. 357)

H. J. R. 760, a joint resolution directing the Mental Health Study Commission to examine funding policies of area mental health, mental retardation and substance abuse programs. (Res. 21)

H. B. 798, an act to grant the Winston-Salem/Forsyth County Board of Education authority to sell surplus school property to nonprofit organizations by private negotiations and sale. (Ch. 358)

H. B. 801, an act to amend the Charter of the Town of Southern Pines. (Ch. 359)

H. B. 804 (Committee Substitute), an act to amend the School Budget and Fiscal Control Act concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years. (Ch. 360)

H. B. 816, an act prohibiting interference with an emergency in Forsyth County. (Ch. 361)

H. B. 822, an act to increase the maximum fine for littering in the City of Charlotte. (Ch. 362)

H. B. 828, an act to limit the applicability of a proposed school supplement tax in Transylvania County. (Ch. 363)

H. B. 840 (Committee Substitute), an act to authorize A. D. Ward to convey certain lands to the City of New Bern, and to authorize members of the Board of Aldermen to make loan applications. (Ch. 364)

H. B. 851, an act clarifying procedures of local inspection departments and authorizing

compensation of local planning agencies. (Ch. 377)

H. B. 854 (Committee Substitute), an act to waive compliance with certain statutes in the construction of the New Hanover County refuse fired steam generating facility. (Ch. 365)

H. B. 862, an act to amend the Charter and related laws of the City of Wilmington to clarify procedures relating to special use districts and special use permits. (Ch. 366)

H. B. 863, an act to amend the Charter of the City of Wilmington to revise certain ordinance procedures. (Ch. 367)

H. B. 866, an act to allow the Cumberland County Board of Commissioners to conduct an advisory referendum on the question of a Sunday-closing law. (Ch. 368)

H. B. 870, an act concerning the deadline for modifying the boundaries of Durham City election wards. (Ch. 369)

H. B. 878, an act to provide that the City of Durham may contract with and appropriate money to any person, association, or corporation for the accomplishment of public purposes. (Ch. 370)

H. B. 880, an act altering the distribution of profits of the City of Hertford ABC Board. (Ch. 371)

H. B. 885, an act to incorporate within the Town of Mint Hill certain unannexed territory lying within its outer boundaries. (Ch. 372)

H. B. 887, an act to amend the Charter of the City of Durham, by adding provisions relating to fair housing. (Ch. 373)

H. B. 919, an act to change the method of determining the amount due under the soft drink dispenser tax. (Ch. 379)

H. B. 956, an act to amend G. S. 115D-20 relating to powers and duties of trustees of community colleges. (Ch. 378)

H. J. R. 1022, a joint resolution providing for Joint Sessions of the House Committee on Public Utilities and the Senate Committee on Public Utilities and Energy to review the Governor's appointees to the Utilities Commission and the Executive Director of the Public Staff, and providing for a Joint Session or Sessions of the House of Representatives and the Senate to act on confirmation of appointments made by the Governor to membership on the North Carolina Utilities Commission and for Executive Director of the Public Staff. (Res. 22)

On motion of Senator Lawing, seconded by Senator Davis, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINETY-FIFTH DAY

SENATE CHAMBER,
Tuesday, May 24, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable

James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Sadye Joyner-Milton, Director of the Wesley Foundation, North Carolina A & T State University, Greensboro, as follows:

"Eternal and everlasting God, Who was and is and ever shall be, Creator of the earth and all that is therein, Savior and Redeemer of our lives, and ever-present Spirit — remember, O Lord, Thy church upon earth. Deepen her influence and extend her power for good, 'til the kingdom of this world becomes the kingdom of our Lord and His Christ.

"We pray for our beloved land, for our leaders, the Governor of this State, the President of this Senate, and for all who have part in public service. Make them pure in motive, wise in counsel, and strong in action, doing right in the fear of Thy Holy Name.

"God in heaven, look down in mercy upon our distraught and fevered world, forgive the mistaken ambitions, the selfish passions, and the presumptuous claims of men. Remove all suspicion and bitterness from among the nations and bring them to peace and concord by the redeeming love of Christ.

"Have mercy, O Lord, upon those who are passing through sore trial — the poor, the sick, the anxious, the oppressed, those who are in danger from the fury of the elements or from the violence of men. Inspire in us and in our fellow men the will to help our suffering neighbor. Heal, protect, and strengthen them according to their need. Comfort those in sorrow with the comfort which is in Christ Jesus, Our Lord.

"We pray for our own dear ones, wheresoever they are, that surrounded by Thy love, they may be kept in health and joy, and abide in safety and peace, through Jesus Christ, our Lord. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Lawing for Wednesday and Thursday, May 25 and 26 to attend and moderate a program for the Southern Legislative Conference of the Council of State Governments in Atlanta.

Leaves of absence granted previously to Senators Daniels and Plyler are noted.

RE-REFERRAL

S. B. 485, a bill to increase tuition for all students at the University of North Carolina, to give all North Carolina students grants to attend the University of North Carolina campus of their choice or to give them incentive loans to attend the North Carolina private college or university of their choice, and to reduce nonresident student attrition due to tuition increase.

On motion of Senator Tally the bill is taken from the **Higher Education Committee** and re-referred to the **Appropriations Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee:**

S. B. 494, a bill to require uniform scale tickets for grain, with a favorable report.

H. B. 1008, a bill to permit agricultural commodity associations to recover audit costs, with a favorable report.

By Senator Tally for the **Higher Education Committee:**

H. B. 408, a bill to simplify the procedure for electing members of the Board of Governors of the University of North Carolina, with an unfavorable report.

By Senator Jenkins for the **Insurance Committee:**

S. B. 50 (House Committee Substitute), a bill to amend the powers of the Commissioner of Insurance to regulate health maintenance organizations, with a favorable report as to concurrence.

S. B. 479, a bill to clarify a provision in the group health insurance continuation and conversion privileges law, with a favorable report.

S. B. 519, a bill to clarify the provision for filing of insurance rates, with a favorable report.

H. B. 565 (Senate Committee Substitute), a bill to amend G. S. 20-79.2 pertaining to transporter registration plates, with a favorable report, as amended.

H. B. 757, a bill to clarify provisions in the Readable Insurance Policies Act, with a favorable report.

H. B. 1014, a bill to amend Article 18B of General Statutes Chapter 58 in order to continue North Carolina's eligibility for riot reinsurance under the Federal Fair Plan, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 342, a bill establishing a general misdemeanor offense of possession of marijuana, with a favorable report, as amended.

H. B. 503 (Committee Substitute), a bill setting the date for valuation of property divided under equitable distribution, with a favorable report, as amended.

By Senator Soles for the **Judiciary II Committee:**

S. B. 434, a bill regarding confidential communications between physician and patient, with a favorable report.

S. B. 504, a bill to clarify the venue for the trial of felony offenses committed within the corporate limits of a municipality which lies within more than one county, with a favorable report.

H. B. 261 (Committee Substitute), a bill to designate district bars as subdivisions of the North Carolina State Bar and to amend the statutes relating to the disciplining of attorneys, with a favorable report.

H. B. 298 (Committee Substitute), a bill to validate certain conveyances where seals were omitted, with a favorable report.

H. B. 455 (Committee Substitute), a bill to establish uniform regular and special

conditions of probation, with a favorable report.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 364, a bill to include two satellite areas within the corporate limits of the Town of Four Oaks, with a favorable report.

H. B. 293 (Committee Substitute), a bill to validate the registration of certain instruments containing a notarial jurat instead of an acknowledgement, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Plyler, Childers, Jordan, Tally, Royall, and Ward:

S. B. 531, a bill to require the North Carolina State Ports Authority to meet once in each ninety days rather than once in each sixty days as is now provided.
Referred to **State Government Committee.**

By Senators Plyler, Hancock, Jenkins, Jordan, Rand, Royall, Tally, and Ward:

S. B. 532, a bill to create the Uniform Registers of Deeds Retirement System of North Carolina.
Referred to **Pensions and Retirement Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. J. R. 211 (House Committee Substitute), a joint resolution urging the United States Government to refrain from ocean disposal of decommissioned nuclear submarines off the North Carolina coast, for concurrence in the House Committee Substitute joint resolution.
Referred to **Rules and Operation of the Senate Committee.**

H. B. 892 (Committee Substitute), a bill to amend G. S. 143B-450.1 to provide for provisional datagathering authority in the Energy Division of the Department of Commerce.
Referred to **Public Utilities and Energy Committee.**

H. B. 1036, a bill to prohibit the unauthorized use of public purchase or contract procedures for private benefit.
Referred to **Judiciary II Committee.**

H. B. 1066, a bill to correct obsolete references in the Termination of Parental Rights Law.
Referred to **Judiciary III Committee.**

H. B. 1075, a bill to provide more rulemaking flexibility for the Child Day-Care Licensing Commission and to regulate temporary child day-care facilities.
Referred to **Human Resources Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 405, a bill to permit persons to engage in business as a pawnbroker in unincorporated areas of Pitt County, for concurrence in House Amendment No. 1.

On motion of Senator White, the Senate concurs in House Amendment No. 1 (electronically recorded), which changes the title to read, **S. B. 405,** a bill to permit persons to engage in business as a pawnbroker in unincorporated areas of Pitt and Alleghany Counties.

The bill is ordered enrolled.

S. B. 406 (Committee Substitute), a bill to limit the length of General Assembly Sessions, to organize the Sessions and interim committee work in an efficient manner and to provide for a continuing study of General Assembly organization and procedure, as amended, upon third reading.

Senator Wright offers Amendment No. 4 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

H. B. 142 (Committee Substitute), a bill to define resumption of marital relations by separated spouses, as amended, with pending Amendment No. 2.

Without objection, pending Amendment No. 2, offered by Senator Davis, is withdrawn.

Senator Davis offers Amendment No. 3.

Senator Soles, seconded by Senator Guy, offers a motion that Amendment No. 3 and the Committee Substitute bill, as amended, do lie upon the table, which motion prevails (electronically recorded). The Committee Substitute bill, as amended, lies upon the table.

H. B. 235 (Senate Committee Substitute), a bill regarding jurisdiction to override certain privileges.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 519 (Committee Substitute), a bill to revise the qualifications for real estate licenses, upon third reading.

Senator Redman is excused from voting (electronically recorded) for the stated reason: "I am a real estate broker."

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 683 (Senate Committee Substitute), a bill to rewrite G. S. 20-217 pertaining to passing stopped school buses and receiving or discharging passengers from school buses stopped on divided roadways.

On motion of Senator Martin, consideration of the Senate Committee Substitute bill is postponed until Wednesday, May 25.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S. B. 75, an act regarding involuntary commitment of persons found incapable of proceeding or not guilty by reason of insanity. (Ch. 380)

H. B. 789, an act to authorize a unit of local government to provide a discount for special assessment payments made within thirty days of the due date. (Ch. 381)

On motion of Senator Lawing, seconded by Senator Staton, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINETY-SIXTH DAY

SENATE CHAMBER,
Wednesday, May 25, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend L. D. Holt, Pastor of Emmanuel Baptist Church, Raleigh, as follows:

"Almighty God our Heavenly Father, the supreme architect of the universe and the Father of all mankind, accept our gratitude for the gift of this day. Help us to see the opportunities of our time. Give us ears sensitive to the needs of all of the citizens. Provide wisdom for each member of this Body as important decisions are made in an effort to meet every need. Teach us that often the good becomes an enemy of the best. Help us in arranging the priorities that fairness and justice will prevail. Teach us, O Lord, the necessity of connecting the dreams of idealism to the realities that mold the circumstances in which we live. We pray Thy special blessings upon this selected group as they labor to the best of their ability with the responsibilities of this day. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Rand and Thomas of Craven for today and to Senator Guy for Thursday and Friday, May 25 and 26.

Leaves of absence granted previously to Senators Daniels and Lawing are noted.

RE-REFERRAL

S. J. R. 445, a joint resolution requesting the Legislative Research Commission to study the procedure for incorporating municipalities.

Without objection, the Chair orders the joint resolution taken from the **Special Committee on S. J. R. 445** and re-referred to the **Banking Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 198 HOUSE OF REPRESENTATIVES
Senate Committee Substitute May 25, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the

House fails to concur in the Senate Committee Substitute to H. B. No. 198, A BILL TO BE ENTITLED AN ACT TO EXEMPT NONRESIDENT MILITARY DEPENDENTS FROM DRIVER'S LICENSE REQUIREMENTS, and requests conferees. The Speaker has appointed Representatives Aaron Fussell, Chairman; Martin Lancaster, John Church, on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Warren moves that the President appoint conferees, which motion prevails. The President appoints Senators Warren, Rand, and Harrington as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee:**

S. B. 453, a bill to amend the authority of the Department of Transportation to set fees for signs, sign permits, and junkyard permits, with a favorable report.

By Senator Harris of Cleveland for the **Human Resources Committee:**

H. B. 307 (Committee Substitute), a bill to authorize the use of local or federal funds to purchase real property by the area mental health, mental retardation and substance abuse authorities, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 330 (Committee Substitute), a bill to prevent the sexual exploitation of children, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Friday, May 27.

By Senator Soles for the **Judiciary II Committee:**

S. B. 392, a bill to clarify the authority to issue custody orders applicable to juveniles within the juvenile jurisdiction of the district court and the criteria for custody orders, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, May 31.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 318, a bill to increase the punishment for child abuse so it more accurately reflects the seriousness of the crime and to make any serious physical injury inflicted on the child sufficient for conviction, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 318** (Committee Substitute), a bill to increase the punishment for child abuse so it more accurately reflects the seriousness of the crime, is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 27.

H. B. 711, a bill to specifically include money used in drug dealing as property subject to forfeiture under the Controlled Substances Act, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 27.

By Senator Hipps for the **Local Government and Regional Affairs Committee:**

S. B. 385, a bill to incorporate the Village of Marvin in Union County, with an unfavorable report as to bill, but favorable as to Committee Sustitute bill.

On motion of Senator Hipps, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hipps, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 27.

By Senator Plyler for the **Pensions and Retirement Committee:**

S. B. 107 (Committee Substitute), a bill to revise the annexation laws, with a favorable report.

S. B. 139, a bill to allow the purchase of creditable service with the State retirement systems for leaves of absence when in receipt of workers' compensation, with a favorable report.

S. B. 448, a bill to amend the law limiting the projection of service credit for disability benefits, with a favorable report.

On motion of Senator Plyler, the bill is re-referred to the **Appropriations Committee.**

H. B. 808, a bill to exclude new employees of certain licensing and examining boards, employee and teacher associations, and private not-for-profit corporations from the membership of the Teachers' and State Employees' Retirement System of North Carolina, with a favorable report.

By Senator Hancock for the **State Government Committee:**

S. B. 266, a bill to clarify and simplify the Coastal Area Management Act, with a favorable report.

H. B. 226 (Committee Substitute), a bill to provide for State review of local government sponsored CAMA minor development projects, with a favorable report.

H. B. 228 (Committee Substitute), a bill to stay development under CAMA permits while requests for appeals are pending, with a favorable report.

By Senator Hancock for the **State Government/Election Laws Committee:**

H. B. 228, a bill to make amendments to the election laws relative to access to the voting enclosure, mailing of notices of cancellation, use of tax supported buildings for voting, and counting of primary ballots, with a favorable report, as amended.

By Senator Hancock for the **State Government/Housing Committee:**

H. B. 270, a bill to make the minimum housing standards apply to mobile homes, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Kincaid and Edwards of Caldwell:

S. B. 533, a bill to amend the Safe Driver Insurance Plan provisions on the property damage monetary threshold for chargeable accidents.
Referred to **Insurance Committee.**

By Senators Jordan and Hancock:

S. B. 534, a bill to create the new technology jobs act.
Referred to **State Government Committee.**

By Senators Allred, Jenkins, Staton, Swain, and Wright:

S. B. 535, a bill to prohibit the assessment of insurance premium surcharge points for certain convictions on interstate highways.
Referred to **Insurance Committee.**

By Senators Jenkins, Alford, Edwards of Caldwell, Hunt, Lawing, Speed, Tison, Walker, and Redman:

S. B. 536, a bill to clarify, restrict and amend the law relating to the operation of bingo games and raffles.
Referred to **Judiciary I Committee.**

By Senators Woodard, Allred, Ballenger, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Staton, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, and Wright:

S. B. 537, a bill to include vested pension or retirement rights in marital property for purposes of equitable distribution.
Referred to **Judiciary III Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following

bills and resolutions, which are read the first time and disposed of as follows:

H. B. 445 (Committee Substitute), a bill to require lighted headlamps on motor vehicles when the windshield wipers are on.

Referred to **Finance Committee.**

H. B. 493, a bill to implement the constitutional amendment regarding appeal of Utilities Commission orders.

Referred to **Judiciary II Committee.**

H. B. 560 (Committee Substitute), a bill to empower Washington County Hospital and Chowan Hospital to use attachment and garnishment procedures for collecting unpaid bills.

Referred to **Ways and Means Committee.**

H. B. 758 (Committee Substitute), a bill to provide for court review of placement following certain terminations of parental rights.

Referred to **Human Resources Committee.**

H. B. 759 (Committee Substitute), a bill to specify a summons for termination of parental rights cases, to provide for an answer in such cases, and to specify who is to receive copies of termination of parental rights orders.

Referred to **Judiciary III Committee.**

H. B. 800 (Committee Substitute No. 2), a bill to amend Chapter 65 relating to funeral and burial trust funds.

Referred to **Banking Committee.**

H. B. 965 (Committee Substitute), a bill making technical amendments to the private placement exemption for securities offerings and allowing the Secretary of State to establish limited offering exemptions.

Referred to **Finance Committee.**

H. B. 1034 (Committee Substitute), a bill to clarify the procedures used under the fair sentencing act when several crimes are consolidated for judgment.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 1042, a bill to validate certain foreclosure sales.

Referred to **Judiciary II Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 50 (House Committee Substitute), a bill to amend the powers of the Commissioner of Insurance to regulate health maintenance organizations, for concurrence in the House Committee Substitute bill.

On motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

S. B. 342, a bill establishing a general misdemeanor offense of possession of marijuana.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

The bill, as amended, fails to pass its second reading (electronically recorded).

S. B. 364, a bill to include two satellite areas within the corporate limits of the Town of Four Oaks, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Marion, Martin, Parnell, Plyler, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

S. B. 434, a bill regarding confidential communications between physician and patient.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 479, a bill to clarify a provision in the group health insurance continuation and conversion privileges law.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 494, a bill to require uniform scale tickets for grain.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 504, a bill to clarify the venue for the trial of felony offenses committed within the corporate limits of a municipality which lies within more than one county.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 519, a bill to clarify the provision for filing of insurance rates.

Without objection, the Chair orders the bill placed on the Calendar for Monday, May 30.

H. B. 116 (Senate Committee Substitute No. 2), a bill to allow the head of a local law enforcement agency to appoint traffic control officers.

Senator Barnes of Forsyth offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Barnes of Wayne to its third reading, the Senate Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 261 (Committee Substitute), a bill to designate district bars as subdivisions of the North Carolina State Bar and to amend the statutes relating to the disciplining of attorneys.

The Committee Substitute bill passes its second reading (electronically recorded) and its third reading (electronically recorded).

The Committee Substitute bill is ordered enrolled.

H. B. 293 (Committee Substitute), a bill to validate the registration of certain instruments containing a notarial jurat instead of an acknowledgement.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 298 (Committee Substitute), a bill to validate certain conveyances where seals were omitted.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Allsbrook to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 329 (Senate Committee Substitute), a bill to amend G. S. 115C-41 pertaining to organization of local boards of education, upon third reading.

The Senate Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 455 (Committee Substitute), a bill to establish uniform regular and special conditions of probation, upon second reading.

On motion of Senator Soles, the Committee Substitute bill is re-referred to the **Finance Committee.**

H. B. 503 (Committee Substitute), a bill setting the date for valuation of property divided under equitable distribution.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Barnes of Wayne to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 565 (Senate Committee Substitute), a bill to amend G. S. 20-79.2 pertaining to transporter registration plates.

On motion of Senator Jenkins, Committee Amendment No. 1 is adopted.

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 683 (Senate Committee Substitute), a bill to rewrite G. S. 20-217 pertaining to passing stopped school buses and receiving or discharging passengers from school buses stopped on divided roadways, upon third reading.

The Senate Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 757, a bill to clarify provisions in the Readable Insurance Policies Act.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1008, a bill to permit agricultural commodity associations to recover audit costs.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1014, a bill to amend Article 18B of General Statutes Chapter 58 in order to continue North Carolina's eligibility for riot reinsurance under the Federal Fair Plan.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 405, an act to permit persons to engage in business as a pawnbroker in unincorporated areas of Pitt and Alleghany Counties. (Ch. 382)

H. B. 118 (Senate Committee Substitute), an act to authorize the use of the single portal of entry and exit principle in rendering mental health services. (Ch. 383)

H. B. 519 (Committee Substitute), an act to revise the qualifications for real estate licenses. (Ch. 384)

H. B. 883, an act to regulate the use of firearms on public highways in the Counties of Hoke and Robeson. (Ch. 385)

On motion of Senator Royall, seconded by Senator Hancock, the Senate adjourns to meet tomorrow at 1:45 P.M.

NINETY-SEVENTH DAY

SENATE CHAMBER,
Thursday, May 26, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God our Father, You led men and women to this land, and, out of conflict, created in us a love of peace and liberty. We confess that we have often failed You by neglecting the rights of others and seeking to limit freedom. Have mercy, O God, on this land and make us people who want to be compassionate, fair, and helpful to each other. Raise up in us a right patriotism, that sees and seeks this nation's good. We are grateful to you for all that is noble and worthy in us and in our country. As You led us in the past, continue to give us a voice to praise Your goodness, and a will to serve You now and forever. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Tison, Parnell, and Kincaid for today and tomorrow, Friday, May 27.

Leaves of absence granted previously to Senators Daniels, Lawing, and Guy are noted.

The President extends courtesies of the gallery to James B. Garrison, former Senator from Stanly County and the Honorable Charles B. Winberry, Jr., Superior Court Judge, Seventh Judicial District.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

H. B. 978 (Committee Substitute), a bill to amend G. S. 24-10 concerning fees on second mortgages, with a favorable report.

H. B. 1061, a bill to ensure due process for persons whose cars are towed pursuant to a law enforcement officer's order, with a favorable report, as amended.

By Senator Speed for the **Education Committee:**

S. B. 507, a bill to amend the laws regarding the opening of textbook bids and to require local school boards to remit textbook fees to the State Board on an annual basis, with a favorable report.

S. B. 516, a bill to require the Personnel Administration Commission for public school employees to provide recommendations to the General Assembly, with a favorable report.

By Senator Soles for the **Judiciary II Committee:**

H. B. 186 (Committee Substitute No. 2), a bill to amend Chapter 110 of the General Statutes to establish procedures for the provision of nonrecipient services as required by federal law, with a favorable report, as amended.

H. B. 723 (Committee Substitute), a bill to specify when a processing fee may be charged for checks sent by mail and when a collection agency may collect a processing fee for returned checks, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 30.

H. B. 946, a bill to amend G. S. 14-288.8 concerning weapons of mass destruction, with a favorable report.

H. B. 1036, a bill to prohibit the unauthorized use of public purchase or contract procedures for private benefit, with a favorable report.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 238, a bill to create the Private Protective Services Recovery Fund, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 30.

S. B. 319, a bill to make larceny pursuant to a felonious breaking or entering of a car, airplane, etc., a felony regardless of the value of property taken, with a favorable report.

S. B. 323, a bill to change the method of execution in this State from administration of lethal gas to administration of lethal drugs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 323** (Committee Substitute), a bill regarding the method of execution in this State, is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 30.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Jenkins, Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Duncan, Edwards of Caldwell, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Kincaid, Martin, Parnell, Rauch, Redman, Speed, Swain, Tison, White, Winner, and Wright:

S. B. 538, a bill to establish a Special Legislative Commission to Study Compensatory Time in the different State agencies.

Referred to **Insurance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1049, a bill to allow cities and counties to levy property taxes for industrial development and economic development.

Referred to **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 58, a bill to amend the Group Health Insurance Continuation and Conversion Privileges Law with regard to conversion policy rate filings.

Referred to **Insurance Committee.**

H. B. 61, a bill to make clarifying and technical amendments to various insurance statutes.

Referred to **Insurance Committee.**

H. B. 137 (Committee Substitute), a bill to allow public and nonprofit human services programs to purchase permanent license tags for agency vehicles, and to increase the fee for permanent registration plates issued to the State and certain nonprofit organizations.

Referred to **Ways and Means/Transportation Committee.**

H. B. 474 (Committee Substitute), a bill to allow attorney's fees award in certain civil cases.

Referred to **Judiciary III Committee.**

H. B. 906, a bill to set an earlier filing deadline for cities that use the nonpartisan plurality method of election.

Referred to **State Government/Election Laws Committee.**

H. B. 1056, a bill amending Chapter 1127 of the 1981 Session Laws to permit certificates of need for certain facilities replacing demolished facilities.

Referred to **Human Resources Committee.**

H. J. R. 1135, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina.

Referred to **Higher Education Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 107 (Committee Substitute), a bill to revise the annexation laws.

Senator Allred offers Amendment No. 1 which is adopted (electronically recorded).

Senator Allred offers Amendment No. 2.

Senator Tison, seconded by Senator Royall, offers a motion that Amendment No. 2 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 2 lies upon the table.

Senator Barnes of Wayne offers Amendment No. 3 which fails of adoption (electronically recorded).

Senator Allred offers Amendment No. 4.

Senator Tison, seconded by Senator Royall, offers a motion that Amendment No. 4 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 4 lies upon the table.

Senator Marion calls the previous question, duly seconded. The call is sustained.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Senator Rauch moves that the vote by which the Committee Substitute bill, as amended, passed its second reading be reconsidered, which motion prevails.

The Chair declares the Committee Substitute bill, as amended, requires a call of the roll, and declares the bill, as amended, before the Senate upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 32, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Rauch, Royall, Soles, Speed, Staton, Swain, Tally, Walker, Warren, White, Winner, and Woodard—32.

Voting in the negative: Senator Barnes of Wayne—1.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

S. B. 139, a bill to allow the purchase of creditable service with the State retirement systems for leaves of absence when in receipt of workers' compensation.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 266, a bill to clarify and simplify the Coastal Area Management Act.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 364, a bill to include two satellite areas within the corporate limits of the Town of Four Oaks, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S. B. 453, a bill to amend the authority of the Department of Transportation to set fees for signs, sign permits, and junkyard permits.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 116 (Senate Committee Substitute No. 2.), a bill to allow the head of a local law enforcement agency to appoint traffic control officers, as amended, upon third reading.

The Senate Committee Substitute bill No. 2, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 226 (Committee Substitute), a bill to provide for State review of local government sponsored CAMA minor development projects.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 228 (Committee Substitute), a bill to stay development under CAMA permits while requests for appeals are pending.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 270, a bill to make the minimum housing standards apply to mobile homes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 281, a bill to make amendments to the election laws relative to access to the voting enclosure, mailing of notices of cancellation, use of tax supported buildings for voting, and counting of primary ballots.

On motion of Senator Woodard, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 298 (Committee Substitute), a bill to validate certain conveyances where seals were omitted, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 307 (Committee Substitute), a bill to authorize the use of local or federal funds to purchase real property by the area mental health, mental retardation and substance abuse authorities.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 503 (Committee Substitute), a bill setting the date for valuation of property divided under equitable distribution, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 808, a bill to exclude new employees of certain licensing and examining boards, employee and teacher associations, and private not-for-profit corporations from the membership of the Teachers' and State Employees' Retirement System of North Carolina.

The bill passes its second reading (electronically recorded).

On objection of Senator Rauch to its third reading and on his motion, the bill is placed on the Calendar for Tuesday, May 31.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 50 (House Committee Substitute), an act to amend the powers of the Commissioner of Insurance to regulate health maintenance organizations. (Ch. 386)

S. B. 469, an act to modernize the forgery law to make clear that it applies to checks of savings and loans, credit unions, and federal, State, and local governments. (Ch. 397)

H. B. 199 (Senate Committee Substitute), an act to permit the odometer disclosure to be made on the certificate of title. (Ch. 387)

H. B. 201, an act to require a higher percentage petition of landowners for the creation of a rural fire protection district. (Ch. 388)

H. B. 236 (Committee Substitute), an act allowing deferral of imprisonment of pregnant defendants convicted of nonviolent crimes. (Ch. 389)

H. B. 261 (Committee Substitute), an act to designate district bars as subdivisions of the North Carolina State Bar and to amend the statutes relating to the disciplining of attorneys. (Ch. 390)

H. B. 293 (Committee Substitute), an act to validate the registration of certain instruments containing a notarial jurat instead of an acknowledgement. (Ch. 391)

H. B. 295 (Committee Substitute), an act to permit a registered voter who has moved from one precinct to another within the same county more than thirty days before an election to record a change of address on election day and vote in the office of the county board of elections or at another location designated by the board. (Ch. 392)

H. B. 757, an act to clarify provisions in the Readable Insurance Policies Act. (Ch. 393)

H. B. 796 (Committee Substitute), an act to permit a local school administrative unit with more than 70,000 students to extend the probationary period for nontenured teachers. (Ch. 394)

H. B. 1008, an act to permit agricultural commodity associations to recover audit costs. (Ch. 395)

H. B. 1014, an act to amend Article 18B of General Statutes Chapter 58 in order to continue North Carolina's eligibility for riot reinsurance under the Federal Fair Plan. (Ch. 396)

On motion of Senator Royall, seconded by Senator Plyler, the Senate adjourns to meet tomorrow at 11:00 A.M.

NINETY-EIGHTH DAY

SENATE CHAMBER,
Friday, May 27, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, once more we come before You on a Friday to thank You for the rhythm of life that includes both hard work and time for leisure. We give you thanks for work that puts us in touch with Your own work in the world, striving to bring prosperity, peace, and justice to all Your people. We also give You thanks for times of worship and rest, because work that is meaningful and important is also wearying. In the weekend ahead, help us to find time for ourselves to bring some order and renewal to our lives. Help us also to find time for worship, for we know that in You is our refreshment and renewal made perfect. Now bless the men and women of this Senate in their work today, that the decisions which they make shall reflect Your will for the people of this State. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Thomas of Craven, Harris of Mecklenburg, Harris of Cleveland, and Soles for today.

Leaves of absence granted previously to Senators Guy, Tison, Parnell, and Kincaid are noted.

Senator Staton is excused from a portion of today's Session.

APPOINTMENTS OF THE GOVERNOR

The President directs the Reading Clerk to read the following message from the Governor:

State of North Carolina
Office of the Governor
Raleigh 27611

May 23, 1983

The Honorable Jimmy C. Green
President of the Senate
Legislative Building
Raleigh, North Carolina 27611

Dear Mr. President:

Pursuant to G. S. 126-2, I am submitting to the Senate, and the House of Representatives, the names of the persons listed below whom I have recommended for reappointment to the State Personnel Commission. Their terms will be effective July 1, 1983, and will expire June 30, 1989.

Dr. Stephen Thomas
627 Rauhut Street
Burlington, North Carolina 27215 (Representative of Business or Industry)

Ms. Lenora L. Carawan
2405 Holloway Terrace
Raleigh, North Carolina 27608 (At Large Member)

Ms. Polly W. Brewer
2809 Remington Street
Charlotte, North Carolina 28216 (Representative of Business or Industry)

My warmest personal regards.

Sincerely,
S/ James B. Hunt, Jr.
Governor
State of North Carolina

Notification of these appointments is referred to the **Rules and Operation of the Senate Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1049

House of Representatives
May 26, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body requesting the return of House Bill 1049, A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES AND COUNTIES TO LEVY PROPERTY TAXES FOR INDUSTRIAL DEVELOPMENT AND ECONOMIC DEVELOPMENT, for further consideration by the House of Representatives.

Respectfully,
S/ Grace A. Collins
Principal Clerk

May 27, 1983

Upon motion of Senator Hardison, the Senate respectfully denies the request (electronically recorded).

RE-REFERRAL

H. J. R. 1135, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina.

On motion of Senator Tally, the joint resolution is taken from the **Higher Education Committee** and re-referred to the **Rules and Operation of the Senate Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hardison, Alford, Allsbrook, Duncan, Gray, Guy, Harrington, Hipps, Jenkins, Jordan, Marion, Parnell, Rauch, Speed, Thomas of Craven, Walker, Warren, and White:

S. B. 539, a bill to transfer State sales and use taxes on hunting and fishing supplies and equipment to the Wildlife Resources Fund.

Referred to **Appropriations Committee.**

By Senator Rauch:

S. B. 540, a bill to amend the Constitution of North Carolina to reserve to the people the right of initiative in matters of taxation and fees.

Referred to **Judiciary II/Constitutional Amendments Committee.**

Senator Plyler moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails (electronically recorded) by a two-thirds majority vote.

By Senator Plyler:

S. B. 541, a bill to appropriate funds to the Department of Agriculture for the Rollins Animal Disease Diagnostic Laboratory.

Referred to **Appropriations Committee.**

By Senators Swain, Hipps, Thomas of Henderson, and Winner:

S. B. 542, a bill to provide funds for the National Guard Training Center in Asheville.

Referred to **Appropriations Committee.**

By Senators Tison and Edwards of Caldwell:

S. B. 543, a bill to regulate architects and engineers in their relations with contractors.

Referred to **Banking Committee.**

By Senators Tison and Edwards of Caldwell:

S. B. 544, a bill to exempt certain religious, nonprofit conference centers from the coverage of the wage and hour laws.

Referred to **Manufacturing, Labor and Commerce Committee.**

By Senator Staton:

S. B. 545, a bill to amend the definition of electrical contracting.

Referred to **Manufacturing, Labor and Commerce Committee.**

By Senators Martin, Edwards of Caldwell, Tally, Ward, Warren, and Winner:

S. J. R. 546, a joint resolution to authorize the Legislative Research Commission to study North Carolina's school pupil transportation program.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Martin, Edwards of Caldwell, Tally, Ward, Warren, and Winner:

S. B. 547, a bill to clarify the responsibility of the State Board of Education for the State's school transportation system.
Referred to **Education Commmittee.**

Senator Winner moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails (electronically recorded) by a two-thirds majority vote.

By Senators Winner, Hipps, Swain, and Thomas of Henderson:

S. B. 548, a bill to appropriate funds for the establishment of the Thomas Wolfe Memorial State Historic Site Visitor Center.
Referred to **Appropriations Committee.**

By Senators Marvin, Barnes of Forsyth, Gray, Hancock, Hunt, Tally, Thomas of Henderson, Ward, and Woodard:

S. B. 549, a bill to amend G. S. 50-13.7 to allow modification only as to installments accruing subsequent to the motion to modify a judgment or an order for child support.
Referred to **Judiciary II Committee.**

By Senators Marvin, Gray, Hunt, Tally, and Woodard:

S. B. 550, a bill to include a woman law enforcement officer on the Criminal Justice Education and Training Standards Commission.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

By Senators Marvin, Harris of Cleveland, and Rauch:

S. B. 551, a bill to provide funds for a highway patrol and drivers' license examiner station in Lincoln County.
Referred to **Appropriations Committee.**

By Senators Gray, Childers, Davis, Edwards of Guilford, Harris of Mecklenburg, Harris of Cleveland, Hipps, Jenkins, Johnson, Jordan, Martin, Marvin, Plyler, Redman, Speed, Staton, Swain, Tally, Walker, Ward, and Woodard:

S. B. 552, a bill to appropriate funds for the State Adult Day-Care Program.
Referred to **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1157, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges.

May 27, 1983

On motion of Senator Tally, the rules are suspended (electronically recorded), and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 185, a bill to amend G. S. 20-118 pertaining to weight of vehicles and loads, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, May 30.

H. B. 494 (Committee Substitute No. 2), a bill to raise costs and fees in the General Court of Justice.

Referred to **Finance Committee.**

H. B. 631, a bill relating to the granting of special use permits, conditional use permits and other matters in Mecklenburg County and the City of Charlotte.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 642, a bill to clarify State responsibility for jailer training and certification.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 651, a bill to amend the adoption statutes and related laws.

Referred to **Judiciary II Committee.**

H. B. 663 (Committee Substitute), a bill to revise G. S. 47-30.

Referred to **Judiciary II Committee.**

H. B. 742, a bill relating to the election of trustees of Smithville Township's J. Arthur Dosher Memorial Hospital.

Referred to **Judiciary II Committee.**

H. B. 848, a bill to convert to fee simple certain ninety-nine year leases of the Town of Smithville or the City of Southport.

Referred to **Judiciary II Committee.**

H. B. 856, a bill to clarify the definition of "rule" for purposes of administrative procedure.

Referred to **Judiciary III Committee.**

H. B. 914, a bill to enable cities, towns and counties to provide for neighborhood, community and rural preservation.

Referred to **Judiciary I Committee.**

H. B. 937 (Committee Substitute), a bill to establish a uniform eviction policy.

Referred to **Judiciary II Committee.**

H. B. 974, a bill to prohibit colored license plate covers.

Referred to **Ways and Means/Transportation Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 107 (Committee Substitute), a bill to revise the annexation laws, as amended, upon third reading.

Without objection, the Chair orders the Committee Substitute bill, as amended, placed on the Calendar for Tuesday, May 31.

S. B. 318 (Committee Substitute), a bill to increase the punishment for child abuse so it more accurately reflects the seriousness of the crime.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 319, a bill to make larceny pursuant to a felonious breaking or entering of a car, airplane, etc., a felony regardless of the value of the property taken.

Senator Allred offers a motion that the bill be re-referred to the **Judiciary I Committee,** which motion fails to prevail (electronically recorded).

The bill fails to pass its second reading (electronically recorded).

S. B. 330 (Committee Substitute No. 2), a bill to prevent the sexual exploitation of children.

The Committee Substitute bill No. 2 passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading and on his motion, the Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, May 31.

S. B. 385 (Committee Substitute), a bill to incorporate the Village of Marvin in Union County, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Hipps, Hunt, Jenkins, Johnson, Jordan, Marion, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Henderson, Walker, Ward, Warren, White, Winner, Woodard, and Wright—39.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar upon third reading.

S. B. 507, a bill to amend the laws regarding the opening of textbook bids and to require local school boards to remit textbook fees to the State Board on an annual basis.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 516, a bill to require the Personnel Administration Commission for public school employees to provide recommendations to the General Assembly.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 186 (Committee Substitute No. 2), a bill to amend Chapter 110 of the General Statutes to establish procedures for the provision of nonrecipient services as required by federal law.

On motion of Senator Marvin, Committee Amendment No. 1 is adopted.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of

Wayne, Barnes of Forsyth, Childers, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Henderson, Walker, Ward, Warren, White, Winner, Woodard, and Wright—40.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, remains on the Calendar upon third reading.

H. B. 711 (Senate Committee Substitute), a bill to specifically include money used in drug dealing as property subject to forfeiture under the Controlled Substances Act.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Jenkins to its third reading, the Senate Committee Substitute bill remains on the Calendar for further consideration.

H. B. 946, a bill to amend G. S. 14-288.8 concerning weapons of mass destruction.

Senator Warren, seconded by Senator Edwards of Caldwell, offers a motion that the bill do lie upon the table, which motion fails to prevail (electronically recorded).

On motion of Senator Hancock, further consideration of the bill is postponed until Tuesday, May 31 (electronically recorded).

H. B. 978 (Committee Substitute), a bill to amend G. S. 24-10 concerning fees on second mortgages.

On motion of Senator Edwards of Caldwell, consideration of the Committee Substitute bill is postponed until Wednesday, June 1.

H. B. 1036, a bill to prohibit the unauthorized use of public purchase or contract procedures for private benefit.

The bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill remains on the Calendar for further consideration.

H. B. 1061, a bill to ensure due process for persons whose cars are towed pursuant to a law enforcement officer's order.

On motion of Senator Edwards of Caldwell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 286, an act to exempt Gaston County from certain procedural requirements on disposal of land as an industrial park. (Ch. 405)

S. B. 304, an act to allow cities and counties to participate in the State telephone network. (Ch. 406)

H. B. 226 (Committee Substitute), an act to provide for State review of local government sponsored CAMA minor development projects. (Ch. 399)

H. B. 228 (Committee Substitute), an act to stay development under CAMA permits while requests for appeals are pending. (Ch. 400)

H. B. 270, an act to make the minimum housing standards apply to mobile homes. (Ch. 401)

H. B. 298 (Committee Substitute), an act to validate certain conveyances where seals were omitted. (Ch. 398)

H. B. 307 (Committee Substitute), an act to authorize the use of local or federal funds to purchase real property by the area mental health, mental retardation and substance abuse authorities. (Ch. 402)

H. B. 363, an act to authorize the Wildlife Resources Commission to conduct managed hunts on game lands and to charge fees for processing applications and use of related facilities. (Ch. 403)

H. B. 540, an act to include three satellite areas within the corporate limits of the City of Lenoir. (Ch. 404)

On motion of Senator Lawing, seconded by Senator Ward, the Senate adjourns to meet Monday at 7:00 P.M.

NINETY-NINTH DAY

SENATE CHAMBER,
Monday, May 30, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Eric Carson, Pastor of Trinity United Methodist Church, Raleigh, as follows:

"O God, Father of us all, unto Whom all men pray, we bow before Thee in the attitude of worship.

"We give Thee thanks for all the evidence of Thy providential care, and for our life in this good and fair land.

"We thank Thee for the principles on which this nation was founded, and for the freedom we enjoy as citizens.

"We remember — on this Memorial Day — those who fought and died to establish and preserve this liberty. May the memory of their sacrifice encourage us to work for peace. Cure us of our warring madness and help us make some real sacrifice in the cause of peace.

"Be present in this assembly. Guide our deliberations.

"We ask this in the Name of Him — who though he was in the form of God — took upon Himself the form of a servant and made the supreme sacrifice of Himself for our salvation. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Allred for tonight.

The President extends courtesies of the floor to Philip J. Baugh, former member of the House of Representatives and former Senator from Mecklenburg County.

The President recognizes the following pages serving in the Senate this week: Margaret Adams, Statesville; Rachel Allen, Fayetteville; Adrian Baker, Wade; Alana Beard, Fayetteville; Lisa Beard, Fayetteville; Melody Best, Clinton; Jay Eisenberg, Greensboro; Steve Goodson, Jacksonville; Charles Hamilton, Kings Mountain; Sang Hamilton, Winton; Christi Henry, Knightdale; Ginger Carrow, Washington; Keith Morris, Vanceboro; Candace Pierce, Kernersville; Roger Raynor, Goldsboro; Allen Thomas, Vanceboro; and Steve Wilson, Ahoskie.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Jenkins:

S. B. 553, a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as registered practicing counselors: creating a State board of examiners for practicing counselors: defining the functions and duties of that board: and providing for penalties.
Referred to **Judiciary II Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1153, a joint resolution calling on the General Services Administration to sell the windmill on Howard's Knob to Watauga County.
Referred to **Rules and Operation of the Senate Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 83 (House Committee Substitute), a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as certified social workers: creating a State Board of Examiners for Social Workers: defining the functions and duties of that Board: and providing for penalties, for concurrence in the House Committee Substitute bill.
Referred to **Human Resources Committee.**

H. B. 38 (Committee Substitute No. 2), a bill to rewrite and repeal certain criminal statutes regarding contracts between landlords and tenants.
Referred to **Judiciary II Committee.**

H. B. 115 (Committee Substitute), a bill to provide for the licensing of residential group care facilities for children.

Referred to **Human Resources Committee.**

H. B. 384 (Committee Substitute), a bill to make permanent the 120-day speedy trial law requirement and to make other changes.

Referred to **Judiciary III Committee.**

H. B. 733 (Committee Substitute), a bill to provide for the licensing of facilities for the mentally ill, the mentally retarded and substance abusers.

Referred to **Human Resources Committee.**

H. B. 847, a bill authorizing the Town of Holden Beach to assess for beach accessways.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 884 (Committee Substitute), a bill to change the name of the governing body of the Monroe City School Administrative Unit and to provide that the Monroe City and Union County School Administrative Units may not be merged without a countywide referendum.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 920 (Committee Substitute), a bill to authorize the Division of Mental Health, Mental Retardation and Substance Abuse Services to transfer patient or resident information to the Department of Correction.

Referred to **Human Resources Committee.**

H. B. 943 (Committee Substitute), a bill to prohibit the contamination or adulteration or other intentional tampering with the public water system.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 949, a bill to amend G. S. 14-269.1 concerning disposition of deadly weapons.

Referred to **Judiciary III Committee.**

H. B. 970, a bill regarding suspension of a driver's license for failure to maintain the required security or insurance.

Referred to **Ways and Means/Transportation Committee.**

H. B. 985 (Committee Substitute), a bill prohibiting the duplication by the direct molding process of manufactured parts.

Referred to **Judiciary III Committee.**

H. B. 1000, a bill to increase the maximum amount motor clubs may reimburse for emergency road service.

Referred to **Insurance Committee.**

H. B. 1077, a bill to set forth the procedure to suppress a prior conviction obtained in violation of the right to counsel.

Referred to **Judiciary III Committee.**

H. B. 1081, a bill to empower Lenoir Memorial Hospital, Craven County Hospital Corporation, and Stokes-Reynolds Memorial Hospital to use attachment and garnishment procedures for collecting unpaid bills.

Referred to **Local Government and Regional Affairs Committee.**

May 30, 1983

H. B. 1086, a bill to abolish the Board of Human Resources.
Referred to **Human Resources Committee.**

H. B. 1087, a bill to empower certain named hospitals to use attachment and garnishment procedures for collecting unpaid bills.
Referred to **Public Utilities and Energy Committee.**

H. B. 1092, a bill to provide a good Samaritan statute for rural fire departments.
Referred to **Judiciary II Committee.**

H. B. 1104, a bill to require extraterritorial representation on the planning agency when matters concerning the extraterritorial area are acted upon.
Referred to **Public Utilities and Energy Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 185, a bill to amend G. S. 20-118 pertaining to weight of vehicles and loads, for concurrence in House Amendment No. 1.
On motion of Senator Daniels, the Senate concurs (electronically recorded) in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 238 (Committee Substitute), a bill to create the Private Protective Services Recovery Fund.
On motion of Senator Edwards of Caldwell, the Committee Substitute bill is re-referred to the **Finance Committee.**

S. B. 323 (Committee Substitute), a bill regarding the method of execution in this State.
Senator Martin is excused from voting (electronically recorded) for the stated reason: "Extreme convictions in opposition to the death penalty."
The Committee Substitute bill passes its second reading (electronically recorded).
On motion of Senator Allsbrook the Committee Substitute bill remains on the Calendar for Wednesday, June 1.

S. B. 385 (Committee Substitute), a bill to incorporate the Village of Marvin in Union County, upon third reading.
The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:
Voting in the affirmative: Senators Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.
Voting in the negative: None.
The Committee Substitute bill is ordered sent to the House of Representatives.

S. B. 519, a bill to clarify the provision for filing of insurance rates.
The bill passes its second reading (electronically recorded).
On objection of Senator Barnes of Forsyth to its third reading, the bill remains on the Calendar for further consideration.

H. B. 186 (Committee Substitute No. 2), a bill to amend Chapter 110 of the General Statutes to establish procedures for the provision of nonrecipient services as required by federal law, as amended, upon third reading.

On motion of Senator Royall, consideration of Committee Substitute bill No. 2, as amended, is postponed until tomorrow, May 31.

H. B. 711 (Senate Committee Substitute), a bill to specifically include money used in drug dealing as property subject to forfeiture under the Controlled Substances Act, upon third reading.

The Senate Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 723 (Senate Committee Substitute), a bill to specify when a processing fee may be charged for checks sent by mail and when a collection agency may collect a processing fee for returned checks.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

Without objection, the Chair orders the Senate Committee Substitute bill re-referred to a **Special Committee on H. B. 723.**

H. B. 1036, a bill to prohibit the unauthorized use of public purchase or contract procedures for private benefit, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. J. R. 1157, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges. (Res. 23)

On motion of Senator Lawing, seconded by Senator Warren, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDREDTH DAY

SENATE CHAMBER,
Tuesday, May 31, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Robert Ladehoff, Minister of St. John's Episcopal Church, Raleigh, as follows:

"O Lord and Heavenly Father, the fountain of wisdom, Whose will is good and gracious and Whose law is truth, we offer You our prayers on behalf of this State and all who live here. May it be a place where the rights of all persons are honored, a place of peace and goodness and justice, a place of beauty and joy.

"We offer You thanks for these Your servants who give of themselves for the good of this State. Be with the members of this Senate in their deliberations. Make them strong and wise, compassionate and patient, always ready to serve. Help them always to turn to You for guidance and for strength, so that all that they do will be pleasing to You.

"Bless these Your servants and those who work with them. Strengthen their families. Sustain their work. To Your Holy Name we give glory, honor, and praise, now and forever. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and its stands approved as written.

The President grants a leave of absence to Senator Harris of Mecklenburg for today and to Senator Woodard for Wednesday, Thursday, and Friday, June 1, 2, and 3.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Jenkins for the **Insurance Committee:**

S. B. 533, a bill to amend the Safe Driver Insurance Plan provisions on the property damage monetary threshold for chargeable accidents, with a favorable report.

S. B. 538, a bill to establish a Special Legislative Commission to Study Compensatory Time in the different State agencies, with a favorable report.

H. B. 58, a bill to amend the Group Health Insurance Continuation and Conversion Privileges Law with regard to conversion policy rate filings, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Jenkins, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Jenkins, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 2.

H. B. 61, a bill to make clarifying and technical amendments to various insurance statutes, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 475, a bill to regulate the information that constitutes satisfactory proof of loss because of the death, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, which changes the title to read **S. B. 475** (Committee Substitute), a bill to clarify what information is sufficient to constitute "satisfactory proof of loss because of the death.".

On motions of Senator Allsbrook, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, adopted, and is placed on the Calendar for Thursday, June 2.

By Senator Soles for the **Judiciary II Committee:**

S. B. 176, a bill to make statewide a law that currently applies only in Ashe, Bladen,

Brunswick, Caswell, Columbus, Franklin, Granville, Johnston, Pender, Person, Sampson, Vance and Warren Counties and which requires that consent be obtained from the board of county commissioners before land in a county may be condemned or acquired by a unit of local government which is located wholly or primarily outside the county, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 176** (Committee Substitute), a bill to make statewide a law that currently applies only in Ashe, Bladen, Brunswick, Caswell, Columbus, Franklin, Granville, Johnston, Pender, Person, Sampson, Vance and Warren Counties and which requires that consent be obtained from the Board of County Commissioners before land in a county may be condemned or acquired by a unit of local government which is located wholly outside the county, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 2.

H. B. 413 (Senate Committee Substitute), a bill to make amendments to the Equitable Distribution Act, with an unfavorable as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Thursday, June 2.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 470, a bill to clarify the law regarding corneal tissue removal, with a favorable report.

H. B. 255 (Committee Substitute), a bill to amend Chapter 74C, the Private Protective Services Act, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 255** (Senate Committee Substitute), a bill to amend General Statutes Chapter 74C, the Private Protective Services Act, is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 2.

H. B. 700, a bill to allow the State to take a voluntary dismissal with leave when a defendant is found incapable of proceeding, with a favorable report.

H. B. 752 (Committee Substitute), a bill to amend the consumer protection law to make it easier for consumers to enforce the rights granted to them under the law, with a favorable report.

H. B. 817, a bill regarding escapes from local confinement facilities, with a favorable report, as amended.

H. B. 850, a bill to allow sale of historic properties by cities and counties, with a favorable report.

By Senator Hipps for the **Local Government and Regional Affairs Committee:**

S. B. 244, a bill to change the name of the governing body of the Monroe City School Administrative Unit and to repeal the requirement for a referendum on abolition, or merger of the Monroe School Special Tax District, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 244** (Committee Substitute), a bill to change the name of the governing body of the Monroe City School Administrative Unit and to provide that the Monroe City and Union County School Administrative Units may not be merged without a countywide referendum, is placed before the Senate for immediate consideration.

On motion of Senator Hipps, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 2.

S. B. 382, a bill to lift the moratorium on ICF and SNF beds in Mitchell County, with a favorable report.

On motion of Senator Hipps, the bill is re-referred to the **Appropriations Committee.**

H. B. 825, a bill to add Duplin County to the list of counties that may use attachment and garnishment to collect fees for ambulance services, with a favorable report.

H. B. 858, a bill to delete New Hanover County from the provisions of the General Statutes relating to vacancies on boards of commissioners in certain counties, with a favorable report.

H. B. 1001, a bill to revise and consolidate the Charter of the Town of Ellenboro and to repeal prior local acts, with a favorable report.

By Senator Warren for the **Select Committee on H. B. 723:**

H. B. 723 (Senate Committee Substitute), a bill to specify when a processing fee may be charged for checks sent by mail and when a collection agency may collect a processing fee for returned checks, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Warren, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Warren, the Senate Committee Substitute bill No. 2 is adopted, and on his further motion remains before the Senate for further consideration.

The Senate Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 503
Committee Substitute

HOUSE OF REPRESENTATIVES
May 31, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to Committee Substitute for H. B. No. 503, A BILL TO BE ENTITLED AN ACT SETTING THE DATE FOR VALUATION

OF PROPERTY DIVIDED UNDER EQUITABLE DISTRIBUTION, and requests conferees. The Speaker has appointed Representatives Slaughter, Miller, and Hackney, on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Jenkins moves that the President appoint conferees, which motion prevails. The President appoints Senators Jenkins, Swain, and Duncan as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 443 (Committee Substitute), a bill to extinguish certain ancient mineral claims.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 1126, a bill to exempt the Western North Carolina Agricultural Center from G. S. 66-58.
Referred to **Ways and Means/Small Business Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(The Chair declares the voting equipment inoperative.)

S. B. 107 (Committee Substitute), a bill to revise the annexation laws, as amended, upon third reading.

Senator Plyler offers Amendment No. 5 which is adopted, deleting Amendment No. 1.

Senator Lawing offers Amendment No. 6 which fails of adoption.

Senator Allsbrook offers Amendment No. 7 which fails of adoption.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: Senators Allred, Allsbrook, and Barnes of Wayne—3.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, without engrossment.

S. B. 330 (Committee Substitute No. 2), a bill to prevent the sexual exploitation of children, upon third reading.

The Committee Substitute bill No. 2 passes its third reading and is ordered sent to the House of Representatives.

May 31, 1983

Senator Kincaid requests to be recorded voting "aye."

S. B. 392 (Committee Substitute), a bill to clarify the authority to issue custody orders applicable to juveniles within the juvenile jurisdiction of the district court and the criteria for custody orders.

On motion of Senator Tally, consideration of the Committee Substitute bill is postponed until tomorrow, June 1.

S. B. 519, a bill to clarify the provision for filing of insurance rates, upon third reading.

On motion of Senator Lawing, the bill is re-referred to the **Rules and Operation of the Senate Committee.**

H. B. 186 (Committee Substitute No. 2), a bill to amend Chapter 110 of the General Statutes to establish procedures for the provision of nonrecipient services as required by federal law, as amended, upon third reading.

On motion of Senator Royall, the Committee Substitute bill No. 2, as amended, is re-referred to the **Finance Committee.**

H. B. 808, a bill to exclude new employees of certain licensing and examining boards, employee and teacher associations, and private not-for-profit corporations from the membership of the Teachers' and State Employees' Retirement System of North Carolina, upon third reading.

The bill passes its third reading and is ordered enrolled.

H. B. 946, a bill to amend G. S. 14-288.8 concerning weapons of mass destruction.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 185, an act to amend G. S. 20-118 pertaining to weight of vehicles and loads. (Ch. 407)

H. B. 329 (Senate Committee Substitute), an act to amend G. S. 115C-41 pertaining to organization of local boards of education. (Ch. 408)

H. B. 1036, an act to prohibit the unauthorized use of public purchase or contract procedures for private benefit. (Ch. 409)

On motion of Senator Lawing, seconded by Senator Marvin, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED-FIRST DAY

SENATE CHAMBER,
Wednesday, June 1, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend L. D. Holt, Minister of Emmanuel Baptist Church, Raleigh, as follows:

"Almighty God our Heavenly Father, in Whom we live and move and have our being, accept our gratitude for this and every day of life. Teach us to be observant of each opportunity to honor and serve Thee. Forgive us when we become so preoccupied with other interests to the point that we forget who we are and Whose we are.

"We pray for these Your servants as they consider issues today that will have a bearing upon the lives of people throughout our State. Give to them wisdom as they weigh all of the circumstances and come to conclusions that will be fair and equitable. Give to them the ability to hear above the noise and see through the smoke screen of special interest groups the real issues of our time.

"We pray Your special blessings upon their families and business interests while they are here serving our State and citizens. We thank Thee, the Great Architect of the Universe, for allowing us to be a part of history this day. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Woodard is noted.

RECOMMITTALS

S. B. 176 (Committee Substitute), a bill to make statewide a law that currently applies only in Ashe, Bladen, Brunswick, Caswell, Columbus, Franklin, Granville, Johnston, Pender, Person, Sampson, Vance and Warren Counties and which requires that consent be obtained from the board of county commissioners before land in a county may be condemned or acquired by a unit of local government which is located wholly outside the county.

On motion of Senator Soles the Committee Substitute bill is taken from the Calendar for Thursday, June 2, and recommitted to the **Judiciary II Committee.**

S. B. 244 (Committee Substitute), a bill to change the name of the governing body of the Monroe City School Administrative Unit and to provide that the Monroe City and Union County School Aministrative Units may not be merged without a countywide referendum.

On motion of Senator Hipps the Committee Substitute bill is taken from the Calendar for Thursday, June 2, and recommitted to the **Local Government and Regional Affairs Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee:**

S. B. 280, a bill to amend and clarify the provisions of law relative to the North Carolina Public Employee Deferred Compensation Plan, with an unfavorable report as to bill, but

favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 3.

S. B. 307, a bill to amend the statute providing an annual fee for emergency planning for each fixed nuclear facility within the State of North Carolina to include such fee for any facility with a Plume Exposure Pathway Emergency Planning Zone which extends into this State, with a favorable report, as amended.

S. B. 420, a bill to require numbering of all vessels, with a favorable report as to concurrence.

S. B. 508, a bill to clarify the State Treasurer's investment authority and to enhance the management of the Trust Fund Investment Program, with a favorable report.

H. B. 782, a bill requiring property owners of adjoining property in certain counties to maintain fences on property lines, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Agriculture Committee.**

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

S. B. 147, a bill relating to the law enforcement authority of wildlife protectors, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Craven, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Craven, the Committee Substitute bill is adopted, and on his further motion is re-referrred to the **Judiciary III/Law Enforcement and Criminal Justice Committee.**

S. B. 511, a bill to authorize review by the Marine Fisheries Commission of proclamations issued by the Secretary of the North Carolina Department of Natural Resources and Community Development, with a favorable report.

S. B. 525, a bill to allow areas closed for reasons of pollution by the Division of Marine Fisheries to be reopened more quickly, with a favorable report.

H. B. 194 (Committee Substitute), a bill to amend the power to confer law enforcement powers on special conservation officers, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Thomas of Craven, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Craven, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 3.

H. B. 579, a bill to increase the minimum amount for construction contracts which require performance and payment bonds, with a favorable report.

H. B. 607 (Committee Substitute), a bill to prohibit hunting from roads and to prohibit deer hunting on the lands of another without the consent of the landowner in Wilson County, with a favorable report.

H. B. 865, a bill to authorize counties to regulate development in estuarine waters and public trust lands under navigable waters, with a favorable report.

H. B. 979, a bill to provide authorization for general permits under the dredge and fill law and clarification of general permits under the Coastal Area Management Act, with a favorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. B. 518, a bill to create the Legislative Commission on Medical Cost Containment, with a favorable report, as amended.

On motion of Senator Lawing, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

H. B. 580, a bill to amend the Charter of the City of Charlotte to provide for an alternative eminent domain procedure with a favorable report.

H. J. R. 660, a joint resolution with respect to the work of the Commission on the Future of North Carolina, with a favorable report.

H. J. R. 1023, a joint resolution welcoming the National Judicial College to North Carolina and expressing support for the establishment of a permanent eastern location at Wake Forest University honoring the late Dean Weathers, with a favorable report.

By Senator Staton for the **State Government Committee:**

S. B. 49 (House Committee Substitute), a bill relating to the appointment of notaries public, with a favorable report as to concurrence.

H. B. 671, a bill to allow apprentice and registered cosmetologists from other states to be admitted to practice cosmetic art in North Carolina through reciprocity, with a favorable report.

By Senator Thomas of Henderson for the **Ways and Means Committee:**

H. B. 560 (Committee Substitute), a bill to empower Washington County Hospital and Chowan Hospital to use attachment and garnishment procedures for collecting unpaid bills, with a favorable report.

By Senator Thomas of Henderson for the **Ways and Means/Transportation Committee:**

S. B. 298 (Committee Substitute), a bill to allow issuance of fictitious drivers' licenses and registration plates for alcohol law enforcement agents and Division of Motor Vehicles law enforcement personnel, with a favorable report.

H. B. 129, a bill to provide that the Division of Motor Vehicles may not issue a driver's license to a person whose license was cancelled in another jurisdiction, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Thomas of Henderson, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Henderson, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 3.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 503
Committee Substitute

HOUSE OF REPRESENTATIVES
May 31, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that Representatives Nesbitt and Pool have been appointed as additional conferees on Committee Substitute for House Bill 503, A BILL TO BE ENTITLED AN ACT SETTING THE DATE FOR VALUATION OF PROPERTY DIVIDED UNDER EQUITABLE DISTRIBUTION.

Respectfully,
S/ GRACE A. COLLINS
Principal Clerk

Senator Jenkins moves that the President appoint additional conferees, which motion prevails. The President appoints Senators Marvin and Barnes of Wayne as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Rand:

S. B. 554, a bill to appropriate funds to the Department of Justice to provide for implementation of the Radar Act.
Referred to **Appropriations Committee.**

By Senator Duncan:

S. B. 555, a bill establishing regulation of and the licensing of the practice of geology and to establish the qualifications, training and experience of persons seeking to represent themselves to the public as geologists; creating a State board for licensing of geologists; defining the functions and duties of that board; and providing for penalties.
Referred to **Finance Committee.**

By Senator Duncan:

S. B. 556, a bill to amend G. S. 143-134.1 to require timely payments to subcontractors and to prevent retainage percentages on subcontract payments to exceed those on prime contract payments.
Referred to **Finance Committee.**

By Senator Parnell:

S. B. 557, a bill to appropriate funds for a prerelease center in Robeson County.
Referred to **Appropriations Committee.**

By Senators Harris of Cleveland, Thomas of Henderson, and Woodard:

S. B. 558, a bill to impose a tax on the gross receipts derived by newspapers from advertising.
Referred to **Finance Committee.**

By Senator Harrington:

S. B. 559, a bill to appropriate funds to the Roanoke Island Historical Association, Inc.
Referred to **Appropriations Committee.**

By Senators Hancock and Royall:

S. B. 560, a bill to appropriate funds in support of the Durham Community Arts Center Project.
Referred to **Appropriations Committee.**

By Senators Martin, Edwards of Guilford, and Gray:

S. B. 561, a bill to appropriate funds to develop a plan to establish the Charlotte Hawkins Brown Memorial State Historic Site.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 1062, a bill to provide that the fact that a person owns ten percent or less of the stock of a corporation or has a ten percent or less ownership in any other business entity or is an employee of a corporation or other business entity does not violate the Director of Public Trust statutes.
Referred to **Judiciary II Committee.**

H. J. R. 1083, a joint resolution authorizing the Legislative Research Commission to continue its study of State Government Risk Management.
Referred to **Rules and Operation of the Senate Committee.**

H. B. 1089, a bill to allow community theatres to qualify for certain ABC permits.
Referred to **State Government Committee.**

H. B. 1093, a bill to ensure that new auto buyers have adequate remedies against auto manufacturers.
Referred to **Ways and Means/Transportation Committee.**

H. J. R. 1154, a joint resolution providing for a Joint Session of the House of Representatives and the Senate to act on confirmation of appointments made by the Governor to the State Personnel Commission.
Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session).

S. B. 323 (Committee Substitute), a bill regarding the method of execution in this State, upon third reading.

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

Senator Staton offers Amendment No. 2.

On motion of Senator Barnes of Wayne, consideration of the Committee Substitute bill, as amended, with pending Amendment No. 2 is postponed until Thursday, June 2 (electronically recorded).

S. B. 392 (Committee Substitute), a bill to clarify the authority to issue custody orders applicable to juveniles within the juvenile jurisdiction of the district court and the criteria for custody orders.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 470, a bill to clarify the law regarding corneal tissue removal.

On motion of Senator Barnes of Wayne, consideration of the bill is postponed until Thursday, June 9.

S. B. 533, a bill to amend the Safe Driver Insurance Plan provisions on the property damage monetary threshold for chargeable accidents.

Senator Walker offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 538, a bill to establish a Special Legislative Commission to Study Compensatory Time in the different State agencies.

The bill passes second reading (electronically recorded).

On motion of Senator Jenkins, the bill is recommitted to the **Insurance Committee.**

H. B. 61, a bill to make clarifying and technical amendments to various insurance statutes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 700, a bill to allow the State to take a voluntary dismissal with leave when a defendant is found incapable of proceeding.

The bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill remains on the Calendar for further consideration.

H. B. 752 (Committee Substitute), a bill to amend the consumer protection law to make it easier for consumers to enforce the rights granted to them under the law.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 817, a bill regarding escapes from local confinement facilities.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 825, a bill to add Duplin County to the list of counties that may use attachment and garnishment to collect fees for ambulance services, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright—47.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 850, a bill to allow sale of historic properties by cities and counties.

The bill passes its second reading (electronically recorded).

Without objection, the bill remains before the Senate for further consideration, upon third reading.

Senator Harris of Mecklenburg offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 858, a bill to delete New Hanover County from the provisions of the General Statutes relating to vacancies on boards of commissioners in certain counties.

The bill passes its second and third readings and is ordered enrolled.

H. B. 893, a bill amending the eligibility requirements for ABC store and mixed beverage elections and the authorization of special occasion and limited special occasion permits.

Senator Tally offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 969, a bill to clarify procedures for contesting debts submitted for collection under the Setoff Debt Collection Act.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 978 (Committee Substitute), a bill to amend G. S. 24-10 concerning fees on second mortgages.

On motion of Senator Edwards of Caldwell, consideration of the Committee Substitute bill is postponed until Tuesday, June 7.

H. B. 1001, a bill to revise and consolidate the Charter of the Town of Ellenboro and to repeal prior local acts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain,

Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright—47.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 337, an act to provide the same punishment for the sale of a controlled substance to a minor as is currently provided for the delivery of a controlled substance to a minor. (Ch. 414)

H. B. 235 (Senate Committee Substitute), an act regarding jurisdiction to override certain privileges. (Ch. 410)

H. B. 281, an act to make amendments to the election laws relative to access to the voting enclosure, mailing of notices of cancellation, use of tax supported buildings for voting, and counting of primary ballots. (Ch. 411)

H. B. 808, an act to exclude new employees of certain licensing and examining boards, employee and teacher associations, and private not-for-profit corporations from the membership of the Teachers' and State Employees' Retirement System of North Carolina. (Ch. 412)

H. B. 946, an act to amend G. S. 14-288.8 concerning weapons of mass destruction. (Ch. 413)

Pursuant to the provisions of Resolution 22 of the 1983 Session of the General Assembly, **H. J. R. 1022,** a joint resolution providing for Joint Sessions of the House Committee on Public Utilities and the Senate Committee on Public Utilities and Energy to review the Governor's appointees to the Utilities Commission and the Executive Director of the Public Staff, and providing for a Joint Session or Sessions of the House of Representatives and the Senate to act on confirmation of appointments made by the Governor to membership on the North Carolina Utilities Commission and for Executive Director of the Public Staff, the President announces the Joint Session shall be held on June 2 at 1:30 P.M.

On motion of Senator Lawing, seconded by Senator Gray, the Senate adjourns to meet tomorrow at 1:15 P.M.

ONE HUNDRED-SECOND DAY

SENATE CHAMBER,
Thursday, June 2, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Robert S. Kepley, Minister of St. Philip Lutheran Church, Raleigh, as follows:

"Almighty God, our Heavenly Father, bless those who hold office in the government of this State, and especially this Senate, that they may do their work in a spirit of wisdom, kindness and justice. We thank You for the legislation which will make our streets and highways safer places on which to travel. We ask Your forgiveness and grace for all who have had to compromise conscience and will so that legislation may come forth, even if it be flawed or limited. We ask that as a people, we may be led not only to treat and control the symptoms of the ills of our society, but the causes as well.

"To that end, we pray this day for all who are bound by the chains of addiction. May ways be provided, and they find the strength to overcome their addiction, that they may be healed and have a sense of wholeness once again.

"Now grant to this Body, the perseverance and zeal to bring to completion the work as yet undone and difficult problems as yet unsolved — that they may serve faithfully and promote the general welfare, through Your Son, Jesus Christ, our Lord. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Woodard is noted.

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives, pursuant to **H. J. R. 1022,** a joint resolution providing for Joint Sessions of the House Committee on Public Utilities and the Senate Committee on Public Utilities and Energy to review the Governor's appointees to the Utilities Commission and the Executive Director of the Public Staff, and providing for a Joint Session or Sessions of the House of Representatives and the Senate to act on confirmation of appointments made by the Governor to membership on the North Carolina Utilities Commission and for Executive Director of the Public Staff.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
June 2, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to House Joint Resolution 1022, A JOINT RESOLUTION PROVIDING FOR JOINT SESSIONS OF THE HOUSE COMMITTEE ON PUBLIC UTILITIES AND THE SENATE COMMITTEE ON PUBLIC UTILITIES AND ENERGY TO REVIEW THE GOVERNOR'S APPOINTEES TO THE UTILITIES COMMISSION AND THE EXECUTIVE DIRECTOR OF THE PUBLIC STAFF, AND PROVIDING FOR A JOINT SESSION OR SESSIONS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ACT ON CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION AND FOR EXECUTIVE DIRECTOR OF THE PUBLIC

STAFF, the House of Representatives stands ready to receive the Senate in Joint Session at 1:30 p.m. on Thursday, June 2, 1983.

Respectfully,
S/ GRACE A. COLLINS
Principal Clerk

On motion of Senator Lawing, in accordance with **H. J. R. 1022,** the Senate recesses to repair to the Hall of the House of Representatives there to sit in Joint Session, and on his further motion, upon dissolution of the Joint Session to return to the Senate Chamber for further consideration of business.

JOINT SESSION

The Senate is received by the Members of the House of Representatives standing, and the Joint Session is called to order by Lieutenant Governor James C. Green.

The Clerk of the Senate calls the roll of the Senate, and the following Members answer the call: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Thomas of Craven, Tison, Walker, Ward, Warren, White, and Winner—43.

The roll-call of the House of Representatives is recorded electronically, and the following members answer the call: Representatives Adams, Allran, Anderson, Auman, Barbee, Barker, Barnes, Beall, Beam, Beard, Berry, Black, Blue, Bowen, Brannan, Brawley, Brown, Brubaker, Bumgardner, Burnley, Chapin, Childress, Church, Clark, Coble, Cochrane, Colton, Cook, J. W. Crawford, Creecy, DeVane, Diamont, Easterling, Economos, Edwards, Enloe, Bruce Ethridge, Fenner, Fletcher, Foster, Fulcher, Fussell, Gentry, Gillam, Gist, Greenwood, Grimsley, Hackney, Hasty, Hauser, Hayden, Helms, Hightower, Holt, Hudson, Hunt, Hunter, Huskins, James, Jarrell, Jeralds, Jones, Kennedy, Lacey, Lambeth, Lancaster, Lee, Ligon, Lilley, Locks, Lutz, McAlister, McDowell, Matthews, Mauney, Mavretic, Miller, Murphy, Musselwhite, Nash, Nesbitt, Owens, Payne, Pool, Poovey, Pulley, Quinn, Rabon, Redding, Rhodes, Roberts, Robinson, Seymour, Slaughter, Spaulding, Spoon, Tennille, Thomas, Tyndall, Tyson, Varner, Warren, Watkins, Wicker, Womble, and B. Woodard—106.

A quorum of each Body being declared present, the Joint Session proceeds with the business for which it is convened.

The President of the Senate directs the Reading Clerk of the Senate to read the following messages from the Governor:

State of North Carolina
Office of the Governor
Raleigh 27611

April 27, 1983

The Honorable James Green
President of the Senate
North Carolina General Assembly
Legislative Office Building
Raleigh, North Carolina 27611

Dear Jimmy:

Pursuant to the provisions of G. S. 62-10, I submit herewith to the General Assembly for confirmation the name of Ruth E. Cook of Wake County whom I have appointed as a member of the North Carolina Utilities Commission. Her term of office will be effective July 1, 1983, or as soon thereafter as she takes the oath of office and will expire July 1, 1991.

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

State of North Carolina
Office of the Governor
Raleigh 27611

April 27, 1983

The Honorable Liston B. Ramsey
Office of the Speaker
North Carolina House of Representatives
Legislative Building
Raleigh, North Carolina 27611

Dear Liston:

Pursuant to the provisons of G. S. 62-10, I submit herewith to the General Assembly for confirmation the name of Ruth E. Cook of Wake County whom I have appointed as a member of the North Carolina Utilities Commission. Her term of office will be effective July 1, 1983, or as soon thereafter as she takes the oath of office and will expire July 1, 1991.

Sincerely.
S/ JAMES B. HUNT, JR.
Governor of North Carolina

June 2, 1983

State of North Carolina
Office of the Governor
Raleigh 27611

April 29, 1983

The Honorable James Green
President of the Senate
North Carolina General Assembly
Legislative Office Building
Raleigh, North Carolina 27611

Dear Jimmy:

Pursuant to the provisions of G. S. 62-15, I submit herewith to the General Assembly for confirmation the name of Robert Gruber whom I have appointed as Executive Director of the Public Staff of the Utilities Commission. His term will be effective July 1, 1983 and will expire June 30, 1989.

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

State of North Carolina
Office of the Governor
Raleigh 27611

April 29, 1983

The Honorable Liston B. Ramsey
Office of the Speaker
North Carolina House of Representatives
Legislative Building
Raleigh, North Carolina 27611

Dear Liston:

Pursuant to the provisons of G. S. 62-15, I submit herewith to the General Assembly for confirmation the name of Robert Gruber whom I have appointed as Executive Director of the Public Staff of the Utilities Commission. His term will be effective July 1, 1983 and will expire June 30, 1989.

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

Senator Guy, Chairman of the Senate **Public Utilities and Energy Committee** and Representative Seymour, Chairman of the House of Representatives **Public Utilities Committee** submit the following committee reports:

June 1, 1983

The Honorable James C. Green
President of the Senate
Lieutenant Governor of North Carolina
Raleigh, North Carolina 27611

Dear Mr. President:

In compliance with the provisions of G. S. 62-10(g) and G. S. 62-15(a) that nominees to fill the position on the Utilities Commission and the position of the Executive Director of the Public Staff of the Utilities Commission shall be subject to confirmation by the General Assembly in Joint Session, Governor Hunt has submitted for confirmation by the General Assembly the following names:

Mrs. Ruth Cook as Commissioner to succeed
Mr. John Wesley Winters

Mr. Robert P. Gruber as Executive Director
of the Public Staff of the Utilities
Commission to succeed Dr. Robert Fischbach

Pursuant to HJR 1022, the Senate Committee on Public Utilities and Energy has considered the nominees and makes the following recommendations to this Joint Session:

That the nominations of Mrs. Ruth Cook as Commissioner and Dr. Robert P. Gruber as Executive Director of the Public Staff of the North Carolina Utilities Commission be confirmed.

Respectfully submitted,
S/ A. D. Guy
Senator
Chairman, Public Utilities
and Energy Committee

The Honorable Liston B. Ramsey
Speaker of the House of Representatives
North Carolina General Assembly
Raleigh, North Carolina 27611

Dear Speaker Ramsey:

In compliance with the provisions of G. S. 62-10(g) and G. S. 62-15(a) that nominees to fill the position on the Utilities Commission and the position of the Executive Director of the Public Staff of the Utilities Commission shall be subject to confirmation by the General Assembly in Joint Session, Governor Hunt has submitted for confirmation by the General Assembly the following names:

Mrs. Ruth E. Cook as Commissioner to succeed
Mr. John Wesley Winters

Mr. Robert P. Gruber as Executive Director
of Public Staff of the Utilities Commission
to succeed Dr. Robert Fischbach

June 2, 1983

Pursuant to HJR 1022, the House Committee on Public Utilities has considered the nominees and makes the following recommendations to this Joint Session:

That the nominations of Mrs. Ruth E. Cook as Commissioner and Mr. Robert P. Gruber as Executive Director of the Public Staff of the North Carolina Utilities Commission be confirmed.

Respectfully submitted,
S/ MARY P. SEYMOUR
Representative
Chairman, Public Utilities Committee

Senator Guy moves that the Senate do confirm the appointment of Mrs. Ruth Cook as a member of the North Carolina Utilities Commission. Representative Seymour moves that the House of Representatives do confirm the appointment of Mrs. Ruth Cook as a member of the North Carolina Utilities Commission.

The President of the Senate orders that the roll of the Senate shall be called and thereafter the roll of the House of Representatives, after which the results of the vote of each Body shall be announced.

The motions to confirm the appointment of Mrs. Ruth Cook as a member of the North Carolina Utilities Commission prevail by the following roll-call votes:

Senate — ayes 45, noes 0 as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, and Winner—45.

Voting in the negative: None.

House of Representatives — ayes 108, noes 2, (electronically recorded) as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Adams, Allran, Anderson, Auman, Barbee, Barker, Barnes, Beall, Beam, Beard, Berry, Black, Blue, Bowen, Brannan, Brown, Brubaker, Bumgardner, Burnley, Chapin, Childress, Church, Clark, Coble, Cochrane, Colton, J. W. Crawford, Creecy, DeVane, Diamont, Easterling, Economos, Edwards, Enloe, Bruce Ethridge, Evans, Fenner, Fletcher, Foster, Fulcher, Fussell, Gentry, Gillam, Gist, Greenwood, Grimsley, Hackney, Hasty, Hauser, Hayden, Helms, Hightower, Holt, Hudson, Hunt, Hunter, Huskins, James, Jarrell, Jeralds, Jones, Jordan, Kennedy, Lacey, Lambeth, Lancaster, Lee, Lilley, Locks, Lutz, McAlister, McDowell, Matthews, Mavretic, Miller, Murphy, Musselwhite, Nash, Nesbitt, Owens, Payne, Pool, Poovey, Pulley, Quinn, Rabon, Redding, Rhodes, Roberts, Robinson, Seymour, Slaughter, Spaulding, Spoon, Stamey, Tennille, Thomas, Tyndall, Tyson, Varner, Warren, Watkins, Wicker, Womble, B. Woodard, C. Woodard, and Wright—108.

Voting in the negative: Representatives Brawley and Ligon—2.

Having received a majority of votes of both houses, the appointment of Mrs. Ruth Cook as a member of the North Carolina Utilities Commission is confirmed.

Senator Guy moves that the Senate do confirm the appointment of Mr. Robert P. Gruber as Executive Director of the Public Staff of the North Carolina Utilities Commission. Representative Seymour moves that the House of Representatives do confirm the appointment of Mr. Robert P. Gruber as Executive Director of the Public Staff of the North Carolina Utilities Commission.

The President of the Senate orders that the roll of the Senate be called and thereafter, the roll of the House of Representatives, after which the results of the vote of each Body shall be announced.

The motions to confirm the appointment of Mr. Robert P. Gruber as Executive Director of the Public Staff of the North Carolina Utilities Commission prevail by the following roll-call votes:

Senate — ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright—49.

Voting in the negative: None.

House of Representatives — ayes 112, noes 0, (electronically recorded) as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Adams, Allran, Anderson, Auman, Barbee, Barker, Barnes, Beall, Beam, Beard, Berry, Black, Blue, Bowen, Brannan, Brawley, Brown, Brubaker, Bumgardner, Burnley, Chapin, Childress, Church, Clark, Coble, Cochrane, Colton, Cook, J. W. Crawford, Creecy, DeVane, Diamont, Easterling, Economos, Edwards, Enloe, Bruce Ethridge, Evans, Fenner, Fletcher, Foster, Fulcher, Fussell, Gentry, Gillam, Gist, Greenwood, Grimsley, Hackney, Hasty, Hauser, Hayden, Helms, Hightower, Holt, Hudson, Hunt, Hunter, Huskins, James, Jarrell, Jeralds, Jones, Jordan, Kennedy, Lacey, Lambeth, Lancaster, Lee, Ligon, Lilley, Locks, Lutz, McAlister, McDowell, Matthews, Mauney, Mavretic, Miller, Murphy, Musselwhite, Nash, Nesbitt, Owens, Payne, Pool, Poovey, Pulley, Quinn, Rabon, Redding, Rhodes, Roberts, Robinson, Seymour, Slaughter, Spaulding, Spoon, Stamey, Tennille, Thomas, Tyndall, Tyson, Varner, Warren, Watkins, Wicker, Womble, B. Woodard, C. Woodard, and Wright—112.

Voting in the negative: None.

Having received a majority of votes of both houses, the appointment of Mr. Robert P. Gruber as Executive Director of the Public Staff of the North Carolina Utilities Commission is confirmed.

It is ordered by the President of the Senate that the Governor be notified of the action of the General Assembly, sitting in Joint Session, upon the confirmations of the appointments of Mrs. Ruth Cook as a member of the North Carolina Utilities Commission and Mr. Robert P. Gruber as Executive Director of the Public Staff of the North Carolina Utilities Commission.

On motion of Senator Lawing, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate returns to its Chamber.

The Senate resumes consideration of its regular business.

June 2, 1983

RE-REFERRAL

S. B. 490, a bill to permit deduction of certain employee contributions to qualified retirement plans.

Without objection, the Chair orders the bill taken from the **Pensions and Retirement Committee** and re-referred to the **Finance Committee.**

CONFERENCE REPORT

S. B. 1 (House Committee Substitute)

Senator Barnes of Wayne, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 1** (House Committee Substitute), a bill to provide safe roads by requiring mandatory jail terms for grossly aggravated drunken drivers, providing an effective deterrent to reduce the incidence of impaired driving, and clarifying the statutes related to drinking and driving, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the House Committee Substitute for the Senate Committee Substitute #2 for Senate Bill 1 (Sixth Edition Engrossed 3/30/83), A BILL TO BE ENTITLED AN ACT TO PROVIDE SAFE ROADS BY REQUIRING MANDATORY JAIL TERMS FOR GROSSLY AGGRAVATED DRUNKEN DRIVERS, PROVIDING AN EFFECTIVE DETERRENT TO REDUCE THE INCIDENCE OF IMPAIRED DRIVING, AND CLARIFYING THE STATUTES RELATED TO DRINKING AND DRIVING, wish to report as follows:

The Conference Committee recommends that the differences between the Senate and House of Representatives regarding the House Committee Substitute for the Senate Committee Substitute #2 for Senate Bill 1 (Sixth Edition Engrossed 3/30/83) be resolved by the adoption of the text attached to this CONFERENCE REPORT.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 2nd day of June, 1983

KENNETH C. ROYALL, JR.	DWIGHT W. QUINN
ROBERT D. WARREN	GEORGE W. MILLER, JR.
ANTHONY E. RAND	ALLEN ADAMS
CHARLES W. HIPPS	WILLIAM T. WATKINS
J. J. HARRINGTON	ROBERT C. HUNTER
HENSON P. BARNES	CHARLES D. EVANS
GEORGE W. MARION, JR.	MARTIN LANCASTER
Conferees on the part	*Conferees on the part of*
of the Senate	*the House of Representatives*

The text attached to the Conference Report on **S. B. 1** is as follows:

A BILL TO BE ENTITLED AN ACT TO PROVIDE SAFE ROADS BY REQUIRING

MANDATORY JAIL TERMS FOR GROSSLY AGGRAVATED DRUNKEN DRIVERS, PROVIDING AN EFFECTIVE DETERRENT TO REDUCE THE INCIDENCE OF IMPAIRED DRIVING, AND CLARIFYING THE STATUTES RELATED TO DRINKING AND DRIVING.

The General Assembly of North Carolina enacts:

Section 1. This act shall be known as the Safe Roads Act of 1983.

Sec. 2. The following table lists the parts and sections contained in this act:

PART I. DRIVING WHILE IMPAIRED.

— DMV RECORDS ADMISSIBLE TO PROVE PRIOR CONVICTION/Sec. 3.
— PRETRIAL RELEASE OF IMPAIRED DRIVERS/Sec. 4.
— CROSS-REFERENCE TO PROSECUTOR DISCLOSURE REQUIREMENTS/Sec. 5.
— IMMUNITY FOR COMMUNITY SERVICE WORK/Sec. 5.1.
— CROSS-REFERENCE TO CONTROLLED DRINKING PROGRAMS/Sec. 6.
— NO BEER DRINKING BY DRIVER/Sec. 7.
— MOTOR VEHICLE LAW DEFINITIONS/Sec. 8.
— IMPAIRED INSTRUCTION/Sec. 9.
— REVOCATION FOR IMPAIRED INSTRUCTION OR MILITARY REVOCATION/Sec. 10.
— IMPLIED CONSENT; REVOCATION FOR REFUSAL/Sec. 11.
— PRELIMINARY ROADSIDE TESTING/Sec. 12.
— REVOCATION FOR FAILURE TO COMPLETE DUI SCHOOL/Sec. 13.
— TEN-DAY, IMMEDIATE PRETRIAL REVOCATION/Sec. 14.
— REVOCATION FOR IMPAIRED DRIVING CONVICTION/Sec. 15.
— DMV PROCEDURE AFTER COURT-ORDERED REVOCATIONS/Sec. 16.
— LENGTHS OF REVOCATIONS FOR IMPAIRED DRIVING/Sec. 17.
— REVOCATION FOR FEDERAL COURT CONVICTIONS/Sec. 18.
— CONVICTION DEFINED/Sec. 19.
— CERTIFIED RECORDS BY P.I.N./Sec. 20.
— FORFEITURE OF VEHICLE/Sec. 21.
— IMPAIRED DRIVING CHECKS/Sec. 22.
— REPEAL OF PRESENT OFFENSES/Sec. 23.
— IMPAIRED DRIVING OFFENSE DEFINED/Sec. 24.
— PROSECUTOR DISCLOSURE REQUIREMENTS/Sec. 25.
— CHEMICAL TESTING PROCEDURES/Sec. 26.
— FELONY AND MISDEMEANOR DEATH BY VEHICLE/Sec. 27.
— IMPAIRED DRIVING APPLICABLE TO ROAD CONSTRUCTION VEHICLES/Sec. 28.
— SENTENCING PROCEDURES AND PUNISHMENT FOR IMPAIRED DRIVING OFFENSES/Sec. 29.
— ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS/Sec. 30.
— LIMITED DRIVING PRIVILEGE/Sec. 31.

PART II. PROTECTION OF YOUTHFUL DRIVERS.

— RAISING BEER PURCHASE AGE/Sec. 32.
— GROUNDS FOR REVOKING PROVISIONAL LICENSE/Sec. 33.

— DRIVING BY PROVISIONAL LICENSEE AFTER DRINKING/Sec. 34.
— FRAUDULENT USE OF ID; AIDER AND ABETTOR PUNISHMENT/Sec. 35.
— REVOCATION FOR UNDERAGE PURCHASERS OF ALCOHOL/Sec. 36.

PART III. DRAM SHOP OWNER LIABILITY.
— DRAM SHOP OWNER LIABILITY; BURDEN OF PROOF/Sec. 37.
— STATUTE OF LIMITATIONS/Sec. 38.
— ABC PERMITTEE'S REQUIREMENTS/Sec. 39.
— REVOCATION OF PERMIT FOR NONPAYMENT OF JUDGMENTS/Sec. 40.
— LOCAL BOARD NOT COUNTY OR CITY AGENCY/Sec. 41.
— NO LEGISLATIVE INTENT AS TO CIVIL LIABILITY FOR SALES TO INTOXICATED PERSONS/Sec. 41.1.

PART IV. EFFECTIVE DATE AND TRANSITIONAL PROVISIONS.
— SAVING CLAUSE FOR PROSECUTIONS AND REVOCATIONS/Sec. 42.
— APPLICABILITY OF DRAM SHOP PROVISIONS/Sec. 43.
— CAPTIONS NOT LIMIT TEXT/ONLY FOR REFERENCE/Sec 44.
— SEVERABILITY/Sec. 45.
— RESERVE FUND FOR IMPLEMENTATION/Sec. 45.1.
— EFFECTIVE DATE/Sec. 46.

PART I. DRIVING WHILE IMPAIRED.
— DMV RECORDS ADMISSIBLE TO PROVE PRIOR CONVICTION.

Sec. 3. G. S. 8-35.1 is rewritten to read as follows:

"§ 8-35.1. **Division of Motor Vehicles' record admissible as *prima facie* evidence of convictions of offenses involving impaired driving.** — Notwithstanding the provisions of G. S. 15A-924(d), a properly certified copy under G. S. 8-35 or G. S. 20-26(b) of the license records of a defendant kept by the Division of Motor Vehicles under G. S. 20-26(a) is admissible as *prima facie* evidence of any prior conviction of a defendant for an offense involving impaired driving as defined in G. S. 20-4.01(24a)."

— PRETRIAL RELEASE OF IMPAIRED DRIVERS.

Sec. 4. Chapter 15A of the General Statutes is amended by adding a new G. S. 15A-534.2 to read as follows:

"§ 15A-534.2. **Detention of impaired drivers.** — (a) A judicial official conducting an initial appearance for an offense involving impaired driving, as defined in G. S. 20-4.01(24a), must follow the procedure in G. S. 15A-511 except as modified by this section. This section may not be interpreted to impede a defendant's right to communicate with counsel and friends.

(b) If at the time of the initial appearance the judicial official finds by clear and convincing evidence that the impairment of the defendant's physical or mental faculties presents a danger, if he is released, of physical injury to himself or others or damage to property, the judicial official must order that the defendant be held in custody and inform the defendant that he will be held in custody until one of the requirements of subsection (c) is met; provided, however, that the judicial official must at this time determine the appropriate conditions of pretrial release in accordance with G. S. 15A-534.

(c) A defendant subject to detention under this section has the right to pretrial release under G. S. 15A-534 when the judicial official determines either that:

(1) The defendant's physical and mental faculties are no longer impaired to the extent that he presents a danger of physical injury to himself or others or of damage to property if he is released; or

(2) A sober, responsible adult is willing and able to assume responsibility for the defendant until his physical and mental faculties are no longer impaired. If the defendant is released to the custody of another, the judicial official may impose any other condition of pretrial release authorized by G. S. 15A-534, including a requirement that the defendant execute a secured appearance bond.

The defendant may be denied pretrial release under this section for a period no longer than 24 hours, and after such detention may be released only upon meeting the conditions of pretrial release set in accordance with G. S. 15A-534. If the defendant is detained for 24 hours, a judicial official must immediately determine the appropriate conditions of pretrial release in accordance with G. S. 15A-534.

(d) In making his determination whether a defendant detained under this section remains impaired, the judicial official may request that the defendant submit to periodic tests to determine his alcohol concentration. Instruments acceptable for making preliminary breath tests under G. S. 20-16.3 may be used for this purpose as well as instruments for making evidentiary chemical analyses. Unless there is evidence that the defendant is still impaired from a combination of alcohol and some other impairing substance or condition, a judicial official must determine that a defendant with an alcohol concentration less than 0.05 is no longer impaired. The results of any periodic test to determine alcohol concentration may not be introduced in evidence:

(1) Against the defendant by the State in any criminal, civil, or administrative proceeding arising out of an offense involving impaired driving; or

(2) For any purpose in any proceeding if the test was not performed by a method approved by the Commission for Health Services under G. S. 20-139.1 and by a person licensed to administer the test by the Department of Human Resources.

The fact that a defendant refused to comply with a judicial official's request that he submit to a chemical analysis may not be admitted into evidence in any criminal action, administrative proceeding, or a civil action to review a decision reached by an administrative agency in which the defendant is a party."

— CROSS-REFERENCE TO PROSECUTOR DISCLOSURE REQUIREMENTS.

Sec. 5. G. S. 15A-931(a) is amended by deleting the first word of the subsection and inserting in its place the words and punctuation "Except as provided in G. S. 20-138.4, the".

— IMMUNITY FOR COMMUNITY SERVICE WORK.

Sec. 5.1. G. S. 15A-1342 is amended by adding a new subsection (j) to read as follows:

"(j) Immunity for Injury to Defendant Performing Community Service. A person is not liable for damages for any injury or loss sustained by defendant performing community or reparation service unless the injury is caused by the person's gross negligence or intentional wrongdoing. As used in this subsection, 'person' includes any governmental unit or agency, nonprofit corporation, or other nonprofit agency that is supervising the defendant or for whom the defendant is performing community service work, as well as any person employed by the agency or corporation while acting in the scope and course of his employment. This subsection does not affect the immunity from civil liability in tort available to local governmental units or agencies. Notice of the provisions of this subsection must be furnished to the defendant at the time he is served with a copy of the probation judgment or deferred prosecution order."

— CROSS-REFERENCE TO CONTROLLED DRINKING PROGRAMS.

Sec. 6. G. S. 18B-103(9) is rewritten to read as follows:

"(9) The possession and use of alcohol acquired for controlled-drinking programs as authorized under G. S. 20-139.1(g)."

— NO BEER DRINKING BY DRIVER.

Sec. 7. G. S. 18B-401 is amended in subsection (a) by deleting the caption and the first sentence of that subsection and inserting in their place the following caption and sentences:

"(a) Opened Containers. It shall be unlawful for a person to transport fortified wine or spirituous liquor in the passenger area of a motor vehicle in other than the manufacturer's unopened original container. It shall be unlawful for a person who is driving a motor vehicle on a highway or public vehicular area to consume in the passenger area of that vehicle any malt beverage or unfortified wine."

G. S. 18B-401 is further amended in subsection (c) by deleting from that subsection the word "Definition" in the caption and inserting in its place the word "Definitions", and by inserting immediately after the caption the following sentences: "The definitions in Chapter 20 of the General Statutes apply in interpreting this section. If the seal on a container of alcoholic beverages has been broken, it is opened within the meaning of this section."

— MOTOR VEHICLE LAW DEFINITIONS.

Sec. 8. G. S. 20-4.01 is amended by rewriting subdivision 32 of that section and by adding new subdivisions (0.1), (0.2), (3a), (3b), (14a), (24a), (33a) and (48a) to read as follows:

"(0.1) Alcohol. Ethyl alcohol.

"(0.2) Alcohol Concentration. The concentration of alcohol in a person, expressed either as:

a. Grams of alcohol per 100 milliliters of blood; or

b. Grams of alcohol per 210 liters of breath.

"(3a) Chemical Analysis. A chemical test of the breath or blood of a person to determine his alcohol concentration, performed in accordance with G. S. 20-139.1. The term 'chemical analysis' includes duplicate or sequential analyses when necessary or desirable to insure the integrity of test results.

"(3b) Chemical Analyst. A person granted a permit by the Department of Human Resources under G. S. 20-139.1 to perform chemical analyses.

"(14a) Impairing Substance. Alcohol, controlled substance under Chapter 90 of the General Statutes, any other drug or psychoactive substance capable of impairing a person's physical or mental faculties, or any combination of these substances.

"(24a) Offense Involving Impaired Driving. Any of the following offenses:

a. Impaired driving under G. S. 20-138.1.

b. Death by vehicle under G. S. 20-141.4 when conviction is based upon impaired driving or a substantially equivalent offense under previous law.

c. Involuntary manslaughter under G. S. 14-18 when conviction is based upon impaired driving or substantially equivalent offense under previous law.

d. An offense committed in another jurisdiction substantially equivalent to the offenses in subparagraphs a through c.

e. A repealed or superseded offense substantially equivalent to impaired driving, including offenses under former G. S. 20-138 or G. S. 20-139.

A conviction under former G. S. 20-140(c) is not an offense involving impaired driving.

"(32) Public Vehicular Area. Any area within the State of North Carolina that is generally open to and used by the public, including by way of illustration and not limitation any drive, driveway, road, roadway, street, alley, or parking lot upon the grounds and premises of:

a. Any public or private hospital, college, university, school, orphanage, church, or any of the institutions, parks or other facilities maintained and supported by the State of North Carolina or any of its subdivisions; or
b. Any service station, drive-in theater, supermarket, store, restaurant, or office building, or any other business, residential, or municipal establishment providing parking space for customers, patrons, or the public; or
c. Any property owned by the United States and subject to the jurisdiction of the State of North Carolina. (The inclusion of property owned by the United States in this definition shall not limit assimilation of North Carolina law when applicable under the provisions of Title 18, United States Code, Section 13.)

The term 'public vehicular area' shall also include any beach area used by the public for vehicular traffic as well as any road opened to vehicular traffic within or leading to a subdivision for use by subdivision residents, their guests, and members of the public, whether or not the subdivision roads have been offered for dedication to the public. The term 'public vehicular area' shall not be construed to mean any private property not generally open to and used by the public.

"(33a) Relevant Time after the Driving. Any time after the driving in which the driver still has in his body alcohol consumed before or during the driving.

"(48a) Under the Influence of an Impairing Substance. The state of a person having his physical or mental faculties, or both, appreciably impaired by an impairing substance."

— IMPAIRED INSTRUCTION.

Sec. 9. G. S. 20-12.1 is rewritten to read as follows:

"§ 20-12.1. **Impaired instruction.** — (a) It is unlawful for any person to accompany another person driving a motor vehicle, in accordance with G. S. 20-11, or instruct another person driving a motor vehicle, in accordance with G. S. 20-7(l-1) and (m) or G. S. 20-12:

(1) While the person accompanying or instructing is under the influence of an impairing substance; or
(2) After having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.10 or more.

(b) An offense under this section is an implied-consent offense under G. S. 20-16.2."

— REVOCATION FOR IMPAIRED INSTRUCTION OR MILITARY REVOCATION.

Sec. 10. G. S. 20-16(a) is amended by deleting the period at the end of subdivision (8) and replacing it with ";" and by adding the following two subdivisions:

"(8a) Has been convicted of impaired instruction under G. S. 20-12.1;

"(8b) Has violated on a military installation a regulation of that installation prohibiting conduct substantially equivalent to conduct that constitutes impaired driving under G. S. 20-138.1 and, as a result of that violation, has had his privilege to drive on that installation revoked or suspended after an administrative hearing authorized by the commanding officer of the installation and that commanding officer has general court martial jurisdiction;".

— IMPLIED CONSENT; REVOCATION FOR REFUSAL.

Sec. 11. G. S. 20-16.2 is rewritten to read as follows:

"§ 20-16.2. **Implied consent to chemical analysis; mandatory revocation of license in event of refusal; right of driver to request analysis.** — (a) Basis for Charging Officer To Require Chemical Analysis; Notification of Rights. Any person who drives a vehicle on a highway or public vehicular area thereby gives consent to a chemical analysis if he is charged with an implied-consent offense. The charging officer must designate the type of chemical analysis to be administered, and it may be administered when he has reasonable grounds to believe that the person charged has committed the implied-consent offense. Except as provided in subsection (b), the person charged must be taken before a chemical analyst authorized to administer a test of a person's breath, who must inform the person orally and also give him a notice in writing that:

(1) He has a right to refuse to be tested.

(2) Refusal to take any required test or tests will result in an immediate revocation of his driving privilege for at least 10 days and an additional 12-month revocation by the Division of Motor Vehicles.

(3) The test results, or the fact of his refusal, will be admissible in evidence at trial on the offense charged.

(4) If any test reveals an alcohol concentration of 0.10 or more, his driving privilege will be revoked immediately for at least 10 days.

(5) He may have a qualified person of his own choosing administer a chemical test or tests in addition to any test administered at the direction of the charging officer.

(6) He has the right to call an attorney and select a witness to view for him the testing procedures, but the testing may not be delayed for these purposes longer than 30 minutes from the time he is notified of his rights.

(a1) Meaning of Terms. Under this section, an 'implied-consent offense' is an offense involving impaired driving or an alcohol-related offense made subject to the procedures of this section. A person is 'charged' with an offense if he is arrested for it or if criminal process for the offense has been issued. A 'charging officer' is a law enforcement officer who arrests the person charged, lodges the charge, or assists the officer who arrested the person or lodged the charge by assuming custody of the person to make the request required by subsection (c) and, if necessary, to present the person to a judicial official for an initial appearance.

(b) Unconscious Person May be Tested. If a charging officer has reasonable grounds to believe that a person has committed an implied-consent offense, and the person is unconscious or otherwise in a condition that makes him incapable of refusal, the charging officer may direct the taking of a blood sample by a person qualified under G. S. 20-139.1 or may direct the administration of any other chemical analysis that may be effectively performed. In this instance the notification of rights set out in subsection (a) and the request required by subsection (c) are not necessary.

(c) Request to Submit to Chemical Analysis; Procedure upon Refusal. The charging officer, in the presence of the chemical analyst who has notified the person of his rights under subsection (a), must request the person charged to submit to the type of chemical analysis designated. If the person charged willfully refuses to submit to that chemical analysis, none may be given under the provisions of this section, but the refusal does not preclude testing under other applicable procedures of law. Then the charging officer and the chemical analyst must without unnecessary delay go before an official authorized to administer oaths and execute an affidavit stating that the person charged, after being advised of his rights under subsection (a), willfully refused to submit to a chemical analysis at the request of the charging officer. The charging officer must immediately mail the

affidavit to the Division. If the person's refusal to submit to a chemical analysis occurs in a case involving death or critical injury to another person, the charging officer must include that fact in the affidavit mailed to the Division.

(d) Consequences of Refusal; Right to Hearing Before Division; Issues. Upon receipt of a properly executed affidavit required by subsection (c), the Division must expeditiously notify the person charged that his license to drive is revoked for 12 months, effective on the tenth calendar day after the mailing of the revocation order unless, before the effective date of the order, the person requests in writing a hearing before the Division. If the person properly requests a hearing, he retains his license, unless it is revoked under some other provision of law, until the hearing is held, the person withdraws his request, or he fails to appear at a scheduled hearing. The person may request the hearing officer to subpoena the charging officer, the chemical analyst, or both to appear at the hearing if he makes the request in writing at least three days before the hearing. The person may subpoena any other witness he deems necessary, and the provisions of G. S. 1A-1, Rule 45, apply to the issuance and service of all subpoenas issued under the authority of this section. The hearing must be conducted in the county where the charge was brought, under the provisions for hearings held under G. S. 20-16(d), except that the hearing is limited to consideration of whether:

(1) The person was charged with an implied-consent offense;
(2) The charging officer had reasonable grounds to believe that the person had committed an implied-consent offense;
(3) The implied-consent offense charged involved death or critical injury to another person, if this allegation is in the affidavit;
(4) The person was notified of his rights as required by subsection (a); and
(5) The person willfully refused to submit to a chemical analysis upon the request of the charging officer.

If the Division finds that the conditions specified in this subsection are met, it must order the revocation sustained. If the Division finds that any of the conditions is not met, it must rescind the revocation. If the revocation is sustained, the person must surrender his license immediately upon notification by the Division.

(d1) Consequences of Refusal in Case Involving Death or Critical Injury. If the refusal occurred in a case involving death or critical injury to another person, no limited driving privilege may be issued. The 12-month revocation begins only after all other periods of revocation have terminated unless the person's license is revoked pursuant to G. S. 20-28, 20-28.1, 20-19(d), or 20-19(e). If the revocation is based on those sections, the revocation under this subsection begins at the time and in the manner specified in subsection (d) for revocations under this section. However, the person's eligibility for a hearing to determine if the revocation under those sections should be rescinded is postponed for one year from the date he would otherwise have been eligible for such a hearing. If the person's driver's license is again revoked while the 12-month revocation under this subsection is in effect, that revocation, whether imposed by a court or by the Division, may only take effect after the period of revocation under this subsection has terminated.

(e) Right to Hearing in Superior Court. If the revocation is sustained after the hearing, the person whose license has been revoked has the right to file a petition in the superior court for a hearing *de novo* upon the issues listed in subsection (d), in the same manner and under the same conditions as provided in G. S. 20-25 except that the *de novo* hearing is conducted in the judicial district where the charge was made.

(e1) Limited Driving Privilege after Six Months in Certain Instances. A person whose driver's license has been revoked under this section may apply for and a judge authorized to do so by this subsection may issue a limited driving privilege if:

(1) At the time of the refusal, the applicant held a valid driver's license;
(2) At the time of the refusal, he had not within the preceding 10 years been convicted of an offense involving impaired driving;
(3) At the time of the refusal, he had not in the preceding 10 years willfully refused to submit to a chemical analysis under this section;
(4) The implied-consent offense charged did not involve death or critical injury to another person;
(5) The underlying charge for which the defendant was requested to submit to a chemical analysis has been finally disposed of:
a. Other than by conviction; or
b. By a conviction of impaired driving under G. S. 20-138.1, at a punishment level authorizing issuance of a limited driving privilege under G. S. 20-179.3(b), and he has complied with at least one of the mandatory conditions of probation listed for the punishment level under which he was sentenced;
(6) Subsequent to the refusal he has had no unresolved pending charges for or additional convictions of an offense involving impaired driving; and
(7) His license has been revoked for at least six months for the refusal.

Except as modified in this subsection, the provisions of G. S. 20-179.3 relating to the procedure for application and conduct of the hearing and the restrictions required or authorized to be included in the limited driving privilege apply to applications under this subsection. If the case was finally disposed of in the district court, the hearing must be conducted in the district in which the refusal occurred by a district court judge. If the case was finally disposed of in the superior court, the hearing must be conducted in the district in which the refusal occurred by a superior court judge. A limited driving privilege issued under this section authorizes a person to drive if his license is revoked solely under this section or solely under this section and G. S. 20-17(2). If the person's license is revoked for any other reason, the limited driving privilege is invalid.

(f) Notice to Other States as to Nonresidents. When it has been finally determined under the procedures of this section that a nonresident's privilege to drive a motor vehicle in this State has been revoked, the Division must give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license.

(g) Repealed.

(h) Repealed.

(i) Right to Chemical Analysis Before Arrest or Charge. A person stopped or questioned by a law enforcement officer who is investigating whether the person may have committed an implied-consent offense may request the administration of a chemical analysis before any arrest or other charge is made for the offense. Upon this request, the officer must afford the person the opportunity to have a chemical analysis, if available, upon the procedures applicable had the person been charged. The request constitutes the person's consent to be transported by the law enforcement officer to the place where the chemical analysis is to be administered. Before the chemical analysis is made, the person must sign a form, to be supplied by the Division, confirming his request. The results of the chemical analysis are admissible in evidence in any proceeding in which they are relevant."

— PRELIMINARY ROADSIDE TESTING.

Sec. 12. G. S. 20-16.3 is rewritten to read as follows:

"§ 20-16.3. **Alcohol screening tests required of certain drivers; approval of test devices and manner of use by Commission for Health Services; use of test results or**

refusal. — (a) When Alcohol Screening Test May Be Required; Not an Arrest. A law enforcement officer may require the driver of a vehicle to submit to an alcohol screening test within a relevant time after the driving if the officer has:

(1) Reasonable grounds to believe that the driver has consumed alcohol and has:
   a. Committed a moving traffic violation; or
   b. Been involved in an accident or collision; or

(2) An articulable and reasonable suspicion that the driver has committed an implied-consent offense under G. S. 20-16.2, and the driver has been lawfully stopped for a driver's license check or otherwise lawfully stopped or lawfully encountered by the officer in the course of the performance of the officer's duties.

Requiring a driver to submit to an alcohol screening test in accordance with this section does not in itself constitute an arrest.

(b) Approval of Screening Devices and Manner of Use. The Commission for Health Services is directed to examine and approve devices suitable for use by law enforcement officers in making on-the-scene tests of drivers for alcohol concentration. For each alcohol screening device or class of devices approved, the Commission must adopt regulations governing the manner of use of the device. For any alcohol screening device that tests the breath of a driver, the Commission is directed to specify in its regulations the shortest feasible minimum waiting period that does not produce an unacceptably high number of false positive test results.

(c) Tests Must Be Made with Approved Devices and in Approved Manner. No screening test for alcohol concentration is a valid one under this section unless the device used is one approved by the Commission for Health Services and the screening test is conducted in accordance with the applicable regulations of the Commission as to the manner of its use.

(d) Use of Screening Test Results or Refusal by Officer. The results of an alcohol screening test or a driver's refusal to submit may be used by a law enforcement officer, a court, or an administrative agency in determining if there are reasonable grounds for believing that the driver has committed an implied-consent offense under G. S. 20-16.2. Negative or low results on the alcohol screening test may be used in factually appropriate cases by the officer, a court, or an administrative agency in determining whether a person's alleged impairment is caused by an impairing substance other than alcohol. Except as provided in this subsection, the results of an alcohol screening test may not be admitted in evidence in any court or administrative proceeding."

— REVOCATION FOR FAILURE TO COMPLETE DUI SCHOOL.

Sec. 13. Chapter 20 of the General Statutes is amended by adding a new G. S. 20-16.4 to read as follows:

"§ 20-16.4. **Revocation for failure to complete Alcohol and Drug Education Traffic School.** — (a) Division Must Revoke upon Notice of Willful Failure. Upon receipt of notice from an Alcohol and Drug Education Traffic School that a person assigned to the school as a court-imposed condition of probation has willfully failed to complete the program of instruction at the school successfully, the Division must revoke the person's driver's license for 12 months. A limited driving privilege does not authorize a person to drive while his license is revoked pursuant to the provisions of this section.

(b) Right of Notification and Hearing. Upon receipt of a properly executed notice of failure from the school, the Division must expeditiously notify the person that his license is revoked for 12 months, effective on the tenth calendar day after the mailing of the revocation order unless, before the effective date of the order, the person requests in

writing a hearing before the Division. If the person properly requests a hearing, he retains his license, unless it is revoked under some other provision of law, until the hearing is held, the person withdraws the request, or he fails to appear at a scheduled hearing. The person may request the hearing officer to subpoena the appropriate school personnel to appear in person at the hearing if he makes the request in writing at least three days before the hearing. The person may subpoena any other witness he deems necessary, and the provisions of G. S. 1A-1, Rule 45, apply to the issuance and service of all subpoenas issued under the authority of this section.

(c) Hearing Procedures; Issues. The hearing must be conducted in the county where the school is located, under the provisions for hearings held under G. S. 20-16(d), except that the hearing is limited to consideration of whether:

(1) The person was validly assigned to the school by a court;
(2) The person failed to complete the course of instruction successfully; and
(3) The failure was willful.

If the Division finds that the conditions specified in this subsection are met, it must order the revocation sustained. If the Division finds that any of the conditions is not met, it must rescind the revocation. If the revocation is sustained, the person must surrender his license immediately upon notification by the Division. The person may file a petition in superior court for a *de novo* review of the issues listed in this section, in the same manner and under the same conditions as provided in G. S. 20-25, except that the hearing must be held in the judicial district in which the school is located.

(d) When Failure Not Willful. A failure to complete the course of instruction successfully is not willful if it is based solely on a failure:

(1) To pay the prescribed fee and the person was unable to pay after making reasonable efforts to secure funds to pay it; or
(2) To attend classes and the person was unable to attend because of reasons over which he had no control other than alcoholism or drug abuse."

— TEN-DAY, IMMEDIATE PRETRIAL REVOCATION.

Sec. 14. Chapter 20 of the General Statutes is amended by adding a new section, G. S. 20-16.5, to read as follows:

"§ 20-16.5. **Immediate civil license revocation for certain persons charged with implied-consent offenses. —** (a) Definitions. As used in this section the following words and phrases have the following meanings:

(1) Charging officer. As described in G. S. 20-16.2(a1).
(2) Clerk. As defined in G. S. 15A-101(2).
(3) Judicial Official. As defined in G. S. 15A-101(5).
(4) Revocation Report. A sworn statement by a charging officer and a chemical analyst containing facts indicating that the conditions of subsection (b) have been met. When one chemical analyst analyzes a person's blood and another chemical analyst informs a person of his rights and responsibilities under G. S. 20-16.2, the report must include the statements of both analysts.
(5) Surrender of a Driver's License. The act of turning over to a court or a law enforcement officer the person's most recent, valid driver's license or learner's permit issued by the Division or by a similar agency in another jurisdiction, or a limited driving privilege issued by a North Carolina court.

(b) Revocations for Persons Who Refuse Chemical Analyses or Have Alcohol Concentrations of 0.10 or More. A person's driver's license is subject to revocation under this section if:

(1) A law enforcement officer has reasonable grounds to believe that the person has committed an offense subject to the implied-consent provisions of G. S. 20-16.2;
(2) The person is charged with that offense as provided in G. S. 20-16.2(a);
(3) The charging officer and the chemical analyst comply with the procedures of G. S. 20-16.2 and G. S. 20-139.1 in requiring the person's submission to or procuring a chemical analysis; and
(4) The person:
a. Willfully refuses to submit to the chemical analysis; or
b. Has an alcohol concentration of 0.10 or more within a relevant time after the driving.

(c) Duty of Charging Officers and Chemical Analysts to Report to Judicial Officials. If a person's driver's license is subject to revocation under this section, the charging officer and the chemical analyst must execute a revocation report. If the person has refused to submit to a chemical analysis, a copy of the report to be submitted to the Division under G. S. 20-16.2(c) may be substituted for the revocation report if it contains the information required by this section. It is the specific duty of the charging officer to make sure that the report is expeditiously filed with a judicial official as required by this section.

(d) Which Judicial Official Must Receive Report. The judicial official with whom the revocation report must be filed is:
(1) The judicial official conducting the initial appearance on the underlying criminal charge if:
a. No revocation report has previously been filed; and
b. At the time of the initial appearance the results of the chemical analysis, if administered, or the reports indicating a refusal, are available.
(2) A judicial official conducting any other proceeding relating to the underlying criminal charge at which the person is present, if no report has previously been filed.
(3) The clerk of superior court in the county in which the underlying criminal charge has been brought if subdivisions (1) and (2) are not applicable at the time the charging officer must file the report.

(e) Procedure if Report Filed with Judicial Official When Person Is Present. If a properly executed revocation report concerning a person is filed with a judicial official when the person is present before that official, the judicial official must, after completing any other proceedings involving the person, determine whether there is probable cause to believe that each of the conditions of subsection (b) has been met. If he determines that there is such probable cause, he must enter an order revoking the person's driver's license for the period required in this subsection. The judicial official must order the person to surrender his license and if necessary may order a law enforcement officer to seize the license. The judicial official must give the person a copy of the revocation order. In addition to setting it out in the order the judicial official must personally inform the person of his right to a hearing as specified in subsection (g), and that his license remains revoked pending the hearing. Unless the person is not currently licensed, the revocation under this subsection begins at the time the revocation order is issued and continues until the person's license has been surrendered for 10 days and the person has paid the applicable costs. If the person is not currently licensed, the revocation continues until 10 days from the date the revocation order is issued and the person has paid the applicable costs.

(f) Procedure if Report Filed with Clerk of Court When Person Not Present. When a clerk receives a properly executed report under subdivision (d) (3) and the person named in the revocation report is not present before the clerk, the clerk must determine whether

there is probable cause to believe that each of the conditions of subsection (b) has been met. If he determines that there is such probable cause, he must mail to the person a revocation order by first class mail. The order must direct that the person on or before the effective date of the order either surrender his license to the clerk or appear before the clerk and demonstrate that he is not currently licensed, and the order must inform the person of the time and effective date of the revocation and of its duration, of his right to a hearing as specified in subsection (g), and that the revocation remains in effect pending the hearing. Revocation orders mailed under this subsection become effective on the fourth day after the order is deposited in the United States mail. If within five working days of the effective date of the order, the person does not surrender his license to the clerk or appear before the clerk to demonstrate that he is not currently licensed, the clerk must immediately issue a pick-up order. The pick-up order under this subsection may be issued by the clerk to any law enforcement officer to pick up the person's driver's license in accordance with G. S. 20-29 as if the pick-up order had been issued by the Division. A revocation under this subsection begins at the date specified in the order and continues until the person's license has been revoked for the period specified in this subsection and the person has paid the applicable costs. The period of revocation under this subsection is:

(1) Ten days from the time the person surrenders his license to the court, if the surrender occurs within five working days of the effective date of the order; or
(2) Ten days after the person appears before the clerk and demonstrates that he is not currently licensed to drive, if the appearance occurs within five working days of the effective date of the revocation order; or
(3) Thirty days from the time:
    a. The person's driver's license is picked up by a law enforcement officer following service of a pick-up order; or
    b. The person demonstrates to a law enforcement officer who has a pick-up order for his license that he is not currently licensed; or
    c. The person's driver's license is surrendered to the court if the surrender occurs more than five working days after the effective date of the revocation order; or
    d. The person appears before the clerk to demonstrate that he is not currently licensed, if he appears more than five working days after the effective date of the revocation order.

When a pick-up order is issued, it must inform the person of his right to a hearing as specified in subsection (g), and that the revocation remains in effect pending the hearing. An officer serving a pick-up order under this subsection must return the order to the court indicating the date it was served or that he was unable to serve the order. If the license was surrendered, the officer serving the order must deposit it with the clerk within three days of the surrender.

(g) Hearing Before Magistrate or Judge if Person Contests Validity of Revocation. A person whose license is revoked under this section may request in writing a hearing to contest the validity of the revocation. The request may be made at the time of the person's initial appearance, or at any later time to the clerk or a magistrate designated by the clerk, and may specifically request that the hearing be conducted by a district court judge. The Administrative Office of the Courts must develop a hearing request form for any person requesting a hearing. Unless a district court judge is requested, the hearing must be conducted within the county by a magistrate assigned by the chief district judge to conduct such hearings. If the person requests that a district court judge hold the hearing, the hearing must be conducted within the judicial district by a district court judge

assigned to conduct such hearings. The revocation remains in effect pending the hearing, but the hearing must be held within three working days following the request if the hearing is before a magistrate or within five working days if the hearing is before a district court judge. The request for the hearing must specify the grounds upon which the validity of the revocation is challenged. A witness may submit his evidence by affidavit unless he is subpoenaed to appear. Any person who appears and testifies is subject to questioning by the judicial official conducting the hearing, and the judicial official may adjourn the hearing to seek additional evidence if he is not satisfied with the accuracy or completeness of evidence. The person contesting the validity of the revocation may, but is not required to, testify in his own behalf. Unless contested by the person requesting the hearing, the judicial official may accept as true any matter stated in the revocation report. If any relevant condition under subsection (b) is contested, the judicial official must find by the greater weight of the evidence that the condition was met in order to sustain the revocation. At the conclusion of the hearing the judicial official must enter an order sustaining or rescinding the revocation. The judicial official's findings are without prejudice to the person contesting the revocation and to any other potential party as to any other proceedings, civil or criminal, that may involve facts bearing upon the conditions in subsection (b) considered by the judicial official. The decision of the judicial official is final and may not be appealed in the General Court of Justice. If the hearing is not held and completed within three working days of the written request for a hearing before a magistrate or within five working days of the written request for a hearing before a district court judge, the judicial official must enter an order rescinding the revocation, unless the person contesting the revocation contributed to the delay in completing the hearing.

(h) Return of License. After the applicable period of revocation under this section, or if the magistrate or judge orders the revocation rescinded, the person whose license was revoked may apply to the clerk for return of his surrendered license. Unless the clerk finds that the person is not eligible to use the surrendered license, he must return it if:

(1) The applicable period of revocation has passed and the person has tendered payment for the costs under subsection (j); or

(2) The magistrate or judge has ordered the revocation rescinded.

If the license has expired, he may return it to the person with a caution that it is no longer valid. Otherwise, if the person is not eligible to use the license and the license was issued by the Division or in another state, the clerk must mail it to the Division. If the person has surrendered his copy of a limited driving privilege and he is no longer eligible to use it, the clerk must make a record that he has withheld the limited driving privilege and forward that record to the clerk in the county in which the limited driving privilege was issued for filing in the case file.

(i) Effect of Revocations. A revocation under this section revokes a person's privilege to drive in North Carolina whatever the source of his authorization to drive. Revocations under this section are independent of and run concurrently with any other revocations. No court imposing a period of revocation following conviction of an offense involving impaired driving may give credit for any period of revocation imposed under this section. A person is not eligible for a limited driving privilege under any statute while his license is revoked under this section.

(j) Costs. Unless the magistrate or judge orders the revocation rescinded, a person whose license is revoked under this section must pay a fee of twenty-five dollars ($25.00) as costs for the action before his license may be returned under subsection (h). The costs collected under this section go to the State.

(k) Report to Division. Except as provided below, the clerk must mail a report to the Division within 10 working days of the return of a license under this section or of the termination of a revocation of the driving privilege of a person not currently licensed. The report must identify the person whose license has been revoked and specify the dates on which his license was revoked. No report need be made to the Division, however, if there was a surrender of the driver's license issued by the Division, a ten-day minimum revocation was imposed, and the license was properly returned to the person under subsection (h) within five working days after the ten-day period had elapsed.

(l) Restoration Fee for Unlicensed Persons. If a person whose license is revoked under this section has no valid license, he must pay the restoration fee required by G. S. 20-7 before he may apply for a license from the Division.

(m) Modification of Revocation Order. Any judicial official presiding over a proceeding under this section may issue a modified order if he determines that an inappropriate order has been issued.

(n) Exception for Revoked Licenses. Notwithstanding any other provision of this section, if the judicial official required to issue a revocation order under this section determines that the person whose license is subject to revocation under subsection (b):

(1) Has a currently revoked driver's license;

(2) Has no limited driving privilege; and

(3) Will not become eligible for restoration of his license or for a limited driving privilege during the period of revocation required by this section,

the judicial official need not issue a revocation order under this section. In this event the judicial official must file in the records of the civil proceeding a copy of any documentary evidence and set out in writing all other evidence on which he relies in making his determination.

(o) Designation of Proceedings. Proceedings under this section are civil actions, and must be identified by the caption 'In the Matter of _____' and filed as directed by the Administrative Office of the Courts."

— REVOCATION FOR IMPAIRED DRIVING CONVICTION.

Sec. 15. G. S. 20-17(2) is rewritten to read as follows:

"(2) Impaired driving under G. S. 20-138.1."

— DMV PROCEDURE AFTER COURT-ORDERED REVOCATIONS.

Sec. 16. Chapter 20 of the General Statutes is amended to add a new G. S. 20-17.2 to read as follows:

"§ 20-17.2. **Court-ordered revocations for offenses involving impaired driving; procedure for notice.** — When a person convicted of an offense involving impaired driving is ordered by a court not to operate a motor vehicle for a specified period of time as a condition of probation, the Division, upon receiving a copy of the judgement, must revoke the person's driver's license for the period and dates specified in the order of the court. The entry of the probationary judgment by the court is notice to the person that his license is revoked, and the Division need not notify the person of his revocation. In judgment forms for use in impaired driving cases under G. S. 20-138.1 the Administrative Office of the Courts must provide for inclusion of a notice provision, when applicable, of the terms of this section."

— LENGTHS OF REVOCATIONS FOR IMPAIRED DRIVING.

Sec. 17. G. S. 20-19 is amended by repealing subsection (h), adding a new subsection (i), and rewriting subsections (c1), (d), and (e) to read as follows:

"(c1) When a license is revoked under subdivision (2) of G. S. 20-17, and the period of revocation is not determined by subsection (d) or (e) of this section, the period of revocation is one year.

(d) When a person's license is revoked under subdivision (2) of G. S. 20-17 and the person has another conviction of an offense involving impaired driving, occurring within the three years immediately preceding the date of the offense for which his license is being revoked, the period of revocation is four years, and this period may be reduced only as provided in this section. The Division may conditionally restore the person's license after it has been revoked for at least two years under this subsection if he provides the Division with satisfactory proof that:

(1) He has not in the period of revocation been convicted in North Carolina or any other state or federal jurisdiction of a motor vehicle offense, an alcoholic beverage control law offense, a drug law offense, or any other criminal offense involving the possession or consumption of alcohol or drugs; and

(2) He is not currently an excessive user of alcohol or drugs.

If the Division restores the person's license, it may place reasonable conditions or restrictions on the person for the duration of the original revocation period.

(e) When a person's license is revoked under subdivision (2) of G. S. 20-17 and the person has two or more previous convictions of an offense involving impaired driving, and the most recent conviction occured within the five years immediately preceding the date of the offense for which his license is being revoked, the revocation is permanent. The Division may, however, conditionally restore the person's license after it has been revoked for at least three years under this subsection if he provides the Division with satisfactory proof that:

(1) In the three years immediately preceding the person's application for a restored license, he has not been convicted in North Carolina or in any other state or federal court of a motor vehicle offense, an alcohol beverage control law offense, a drug law offense, or any criminal offense involving the consumption of alcohol or drugs; and

(2) He is not currently an excessive user of alcohol or drugs.

If the Division restores the person's license, it may place reasonable conditions or restrictions on the person for any period up to three years from the date of restoration.

(i) When a person's license is revoked under subdivision (1) or (9) of G. S. 20-17 and the offense is one involving impaired driving, the revocation is permanent. The Division may, however, conditionally restore the person's license after it has been revoked for at least three years in accordance with the procedure in subsection (e) of this section."

— REVOCATION FOR FEDERAL COURT CONVICTIONS.

Sec. 18. G. S. 20-23.2 is rewritten to read as follows:

"§ 20-23.2. **Suspension of license for conviction of offense involving impaired driving in federal court.** — Upon receipt of notice of conviction in any court of the federal government of an offense involving impaired driving, the Division is authorized to revoke the driving privilege of the person convicted in the same manner as if the conviction has occurred in a court of this State."

— CONVICTION DEFINED.

Sec. 19. G. S. 20-24, as it appears in the 1981 Cumulative Supplement to the 1978 Replacement Volume 1C of the General Statutes, is amended in subdivision (c) (1) by inserting "with a magistrate's order or" between "served" and "with" on line 7 of the subsection, and is further amended by adding a new subsection to read as follows:

"(e) When a court sends a report of a conviction of manslaughter to the Division, it must indicate on that report whether the manslaughter conviction is one involving impaired driving."

— CERTIFIED RECORDS BY P.I.N.

Sec. 20. G. S. 20-26(b) is amended by deleting the second sentence and inserting in its place the following sentences: "A certified copy of a driver's records kept pursuant to subsection (a) may be sent by the Police Information Network. In addition to the uses authorized by G. S. 8-35.1, a copy certified under the authority of this section is admissible as *prima facie* evidence of the status of the person's license."

— FORFEITURE OF VEHICLE.

Section 21. Chapter 20 of the General Statutes is amended by adding a new G. S. 20-28.2 to read:

"§ 20-28.2. **Forfeiture of motor vehicle for impaired driving after impaired driving license revocation.** — (a) Meaning of 'Impaired Driving License Revocation'. The revocation of a person's driver's license is an impaired driving license revocation if the revocation is pursuant to:

(1) G. S. 20-13.2, 20-16(a)(8b), 20-16.2, 20-16.4, 20-16.5, 20-17(2), or 20-17.2; or

(2) G. S. 20-16(7), 20-17(1), or 20-17(9), if the offense involves impaired driving.

(b) When Motor Vehicle Becomes Property Subject to Forfeiture. If at a sentencing hearing conducted pursuant to G. S. 20-179 the judge determines that the grossly aggravating factor described in G. S. 20-179(c)(2) applies, the motor vehicle that was driven by the defendant at the time he committed the offense of impaired driving becomes property subject to forfeiture.

(c) Duty of Prosecutor To Notify Possible Innocent Parties. In any case in which a prosecutor determines that a motor vehicle driven by a defendant may be subject to forfeiture under this section, the prosecutor must determine the identity of the vehicle owner as shown on the certificate of title for the vehicle and he must also determine if there are any security interests noted on the vehicle's certificate of title. The State must notify the holder of each security interest that the vehicle may be subject to forfeiture and that he may intervene to protect his interest. If the defendant is not the owner, a similar notice must be served on the owner. The notice may be served by any means reasonably likely to provide actual notice, and must be served at least fourteen days before the forfeiture hearing.

(d) Duty of Judge. The judge at sentencing must hold a hearing to determine if the vehicle should be forfeited. At the hearing the judge may order the forfeiture if he finds that:

(1) The vehicle is subject to forfeiture;

(2) The vehicle is not primarily used by a member of the defendant's family or household for a business purpose or for driving to and from work or school;

(3) All potential innocent parties have been notified as required in subsection (c); and

(4) No party has shown that he is an innocent party as described in subsection (f).

If the owner or the holder of a security interest has not been notified, the judge may continue the hearing to allow the State to serve the notice or he may decline to order forfeiture. In any case in which a judge does not order the forfeiture of a vehicle subject to forefeiture, he must enter into the record detailed, written reasons for his decision.

(e) Sale of Forfeited Vehicle Required. If the judge orders forfeiture of the vehicle pursuant to this section, he must order the sale of the vehicle. Proceeds of the sale must be

paid to the school fund of the county in which the property was seized.

(f) Innocent Party May Intervene. At any time before the forfeiture is ordered, the property owner or holder of a security interest, other than the defendant, may apply to protect his interest in the motor vehicle. The application may be made to a judge who has jurisdiction to try the impaired driving offense with which the motor vehicle is associated. The judge must order the vehicle returned to the owner if he finds that either the owner or the holder of a security interest is an innocent party. An owner or holder of a security interest is an innocent party if he:

(1) Did not know and had no reason to know that the defendant's driver's license was revoked; or

(2) Knew that the defendant's driver's license was revoked, but the defendant drove the vehicle without his consent.

If an innocent party applies after the forfeited motor vehicle has been sold and the judge finds no laches in the innocent party's delay, the judge may order a payment to the innocent party from the net proceeds of the sale equal to his equity or security interest in the vehicle."

— IMPAIRED DRIVING CHECKS.

Sec. 22. Chapter 20 of the General Statutes is amended by adding a new G. S. 20-16.3A to read as follows:

"§ 20-16.3A. **Impaired driving checks.** — A law enforcement agency may make impaired driving checks of drivers of vehicles on highways and public vehicular areas if the agency:

(1) Develops a systematic plan in advance that takes into account the likelihood of detecting impaired drivers, traffic conditions, number of vehicles to be stopped, and the convenience of the motoring public.

(2) Designates in advance the pattern both for stopping vehicles and for requesting drivers that are stopped to submit to alcohol screening tests. The plan may include contingency provisions for altering either pattern if actual traffic conditions are different from those anticipated, but no individual officer may be given discretion as to which vehicle is stopped or, of the vehicles stopped, which driver is requested to submit to an alcohol screening test.

(3) Marks the area in which checks are conducted to advise the public that an authorized impaired driving check is being made.

This section does not prevent an officer from using the authority of G. S. 20-16.3 to request a screening test if, in the course of dealing with a driver under the authority of this section, he develops grounds for requesting such a test under G. S. 20-16.3. Alcohol screening tests and the results from them are subject to the provisions of subsections (b), (c), and (d) of G. S. 20-16.3. This section does not limit the authority of a law enforcement officer or agency to conduct a license check independently or in conjunction with the impaired driving check, to administer psychophysical tests to screen for impairment, or to utilize roadblocks or other types of vehicle checks or checkpoints that are consistent with the laws of this State and the Constitution of North Carolina and of the United States."

— REPEAL OF PRESENT OFFENSES.

Sec. 23. G. S. 20-138, 20-139, 20-140(c), and 20-140(e) are repealed.

— IMPAIRED DRIVING OFFENSE DEFINED.

Sec. 24. Chapter 20 of the General Statutes is amended by noting that G. S. 20-138.2 is reserved for future codification purposes and by adding a new G. S. 20-138.1 to read as follows:

"§ 20-138.1. **Impaired driving.** — (a) Offense. A person commits the offense of impaired driving if he drives any vehicle upon any highway, any street, or any public vehicular area within this State:

(1) While under the influence of an impairing substance; or

(2) After having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.10 or more.

(b) Defense Precluded. The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense to a charge under this section.

(c) Pleading. In any prosecution for impaired driving, the pleading is sufficient if it states the time and place of the alleged offense in the usual form and charges that the defendant drove a vehicle on a highway or public vehicular area while subject to an impairing substance.

(d) Sentencing Hearing and Punishment. Impaired driving as defined in this section is a misdemeanor. Upon conviction of a defendant of impaired driving, the presiding judge must hold a sentencing hearing and impose punishment in accordance with G. S. 20-179."

— PROSECUTOR DISCLOSURE REQUIREMENTS.

Sec. 25. Chapter 20 of the General Statutes is amended by adding a new section, G. S. 20-138.4, to read as follows:

"§ 20-138.4. **Requirement that prosecutor explain reduction or dismissal of charge involving impaired driving.** — Any prosecutor must enter detailed facts in the record of any case involving impaired driving explaining the reasons for his action if he:

(1) Enters a voluntary dismissal; or

(2) Accepts a plea of guilty or no contest to a lesser included offense; or

(3) Substitutes another charge, by statement of charges or otherwise, if the substitute charge carries a lesser mandatory minimum punishment or is not an offense involving impaired driving; or

(4) Otherwise takes a discretionary action that effectively dismisses or reduces the original charge in the case involving impaired driving.

General explanations such as 'interests of justice' or 'insufficient evidence' are not sufficiently detailed to meet the requirements of this section."

— CHEMICAL TESTING PROCEDURES.

Sec. 26. G. S. 20-139.1 is rewritten to read as follows:

"§ 20-139.1. **Procedures governing chemical analyses; admissibility; evidentiary provisions; controlled-drinking programs.** — (a) Chemical Analysis Admissible. In any implied-consent offense under G. S. 20-16.2, a person's alcohol concentration as shown by a chemical analysis is admissible in evidence. This section does not limit the introduction of other competent evidence as to a defendant's alcohol concentration, including other chemical tests.

(b) Approval of Valid Test Methods; Licensing Chemical Analysts. A chemical analysis, to be valid, must be performed in accordance with the provisions of this section. The chemical analysis must be performed according to methods approved by the Commission for Health Services by an individual possessing a current permit issued by the Department of Human Resources for that type of chemical anlaysis. The Commission for Health Services is authorized to adopt regulations approving satisfactory methods or techniques for performing chemical analyses, and the Department of Human Resources is authorized to ascertain the qualifications and competence of individuals to conduct particular chemical analyses. The Department may issue permits to conduct chemical analyses to

individuals it finds qualified subject to periodic renewal, termination, and revocation of the permit in the Department's discretion.

(b1) Arresting or Charging Officer May Not Perform Chemical Analysis. A chemical analysis is not valid in any case in which it is performed by an arresting officer or by a charging officer under the terms of G. S. 20-16.2.

(b2) Breath Analysis Results Inadmissible if Preventive Maintenance Not Performed. Notwithstanding the provisions of subsection (b), the results of a chemical analysis of a person's breath performed in accordance with this section are not admissible in evidence if:

(1) The defendant objects to the introduction into evidence of the results of the chemical analysis of his breath; and

(2) The defendant demonstrates that, with respect to the instrument used to analyse his breath, preventive maintenance procedures required by the regulations of the Commission for Health Services had not been performed within the time limits prescribed by those regulations.

(b3) Sequential Breath Tests Required. By January 1, 1985, the regulations of the Commission for Health Services governing the administration of chemical analyses of the breath must require the testing of at least duplicate sequential breath samples. Those regulations must provide:

(1) A specification as to the minimum observation period before collection of the first breath sample and the time requirements as to collection of second and subsequent samples.

(2) That the test results may only be used to prove a person's particular alcohol concentration if:

a. The pair of readings employed are from consecutively administered tests; and

b. The readings do not differ from each other by an alcohol concentration greater than 0.02.

(3) That when a pair of analyses meets the requirements of subdivision (2), only the lower of the two readings may be used by the State as proof of a person's alcohol concentration in any court or administrative proceeding.

A person's willful refusal to give the sequential breath samples necessary to constitute a valid chemical analysis is a willful refusal under G. S. 20-16.2(c).

(c) Withdrawal of Blood for Chemical Analysis. When a blood test is specified as the type of chemical analysis by the charging officer, only a physician, registered nurse, or other qualified person may withdraw the blood sample. If the person withdrawing the blood requests written confirmation of the charging officer's request for the withdrawal of blood, the officer must furnish it before blood is withdrawn. When blood is withdrawn pursuant to a charging officer's request, neither the person withdrawing the blood nor any hospital, laboratory, or other institution, person, firm, or corporation employing him, or contracting for the service of withdrawing blood, may be held criminally or civilly liable by reason of withdrawing that blood, except that there is no immunity from liability for negligent acts or omissions.

(d) Right to Additional Test. A person who submits to a chemical analysis may have a qualified person of his own choosing administer an additional chemical test or tests, or have a qualified person withdraw a blood sample for later chemical testing by a qualified person of his own choosing. Any law enforcement officer having in his charge any person who has submitted to a chemical analysis must assist the person in contacting someone to

administer the additional testing or to withdraw blood, and must allow access to the person for the purpose. The failure or inability of the person who submitted to a chemical analysis to obtain any additional test or to withdraw blood does not preclude the admission of evidence relating to the chemical analysis.

(e) Recording Results of Chemical Analysis of Breath. The chemical analyst who administers a test of a person's breath must record the following information after making any chemical analysis:

(1) The alcohol concentration or concentrations revealed by the chemical analysis.

(2) The time of the collection of the breath sample or samples used in the chemical analysis.

A copy of the record of this information must be furnished to the person submitting to the chemical analysis, or to his attorney, before any trial or proceeding in which the results of the chemical analysis may be used.

(e1) Use of Chemical Analyst's Affidavit in District Court. An affidavit by a chemical analyst sworn to and properly executed before an official authorized to administer oaths is admissible in evidence without further authentication in any hearing or trial in the District Court Division of the General Court of Justice with respect to the following matters:

(1) The alcohol concentration or concentrations of a person given a chemical analysis and who is involved in the hearing or trial.

(2) The time of the collection of the blood or breath sample or samples for the chemical analysis.

(3) The type of chemical analysis administered and the procedures followed.

(4) The type and status of any permit issued by the Department of Human Resources that he held on the date he performed the chemical analysis in question.

(5) If the chemical analysis is performed on a breath-testing instrument for which regulations adopted pursuant to subsection (b) require preventive maintenance, the date the most recent preventive maintenance procedures were performed on the breath-testing instrument used, as shown on the maintenance records for that instrument.

The Department of Human Resources must develop a form for use by chemical analysts in making this affidavit. If any person who submitted to a chemical analysis desires that a chemical analyst personally testify in the hearing or trial in the District Court Division, he may subpoena the chemical analyst and examine him as if he were an adverse witness.

(f) Evidence of Refusal Admissible. If any person charged with an implied-consent offense refuses to submit to a chemical analysis, evidence of that refusal is admissible in any criminal action against him for an implied-consent offense under G. S. 20-16.2.

(g) Controlled-Drinking Programs. The Department of Human Resources is empowered to make regulations concerning the ingestion of controlled amounts of alcohol by individuals submitting to chemical testing as a part of scientific, experimental, educational, or demonstration programs. These regulations must prescribe procedures consistent with controlling federal law governing the acquisition, transportation, possession, storage, administration, and disposition of alcohol intended for use in the programs. Any person in charge of a controlled-drinking program who acquires alcohol under these regulations must keep records accounting for the disposition of all alcohol acquired, and the records must at all reasonable times be available for inspection upon the request of any federal, State, or local law enforcement officer with jurisidction over the laws relating to control of alcohol. A controlled-drinking program exclusively using lawfully purchased alcoholic beverages in places in which they may be lawfully possessed, however, need not comply with the record-keeping requirements of the regulations authorized by this

subsection. All acts pursuant to the regulations reasonably done in furtherance of *bona fide* objectives of a controlled-drinking program authorized by the regulations are lawful notwithstanding the provisions of any other general or local statute, regulation, or ordinance controlling alcohol."

— FELONY AND MISDEMEANOR DEATH BY VEHICLE.

Sec. 27. G. S. 20-141.4 is rewritten to read as follows:

"§ 20-141.4. **Felony and misdemeanor death by vehicle. —** (a). (Repealed.)

(a1) Felony Death by Vehicle. A person commits the offense of felony death by vehicle if he unintentionally causes the death of another person while engaged in the offense of impaired driving under G. S. 20-138.1 and commission of that offense is the proximate cause of the death.

(a2) Misdemeanor Death by Vehicle. A person commits the offense of misdemeanor death by vehicle if he unintentionally causes the death of another person while engaged in the violation of any State law or local ordinance applying to the operation or use of a vehicle or to the regulation of traffic, other than impaired driving under G. S. 20-138.1, and commission of that violation is the proximate cause of the death.

(b) Punishments. Felony death by vehicle is a Class I felony. Misdemeanor death by vehicle is a misdemeanor punishable by a fine of not more than five hundred dollars ($500.00), imprisonment for not more than two years, or both, in the discretion of the court.

(c) No Double Prosecutions. No person who has been placed in jeopardy upon a charge of death by vehicle may be prosecuted for the offense of manslaughter arising out of the same death; and no person who has been placed in jeopardy upon a charge of manslaughter may be prosecuted for death by vehicle arising out of the same death."

— IMPAIRED DRIVING APPLICABLE TO ROAD CONSTRUCTION VEHICLES.

Sec. 28. The numbered subdivisions of G. S. 20-168(b) are rewritten to read as follows:

"(1) G. S. 20-138.1. Impaired driving.

(2) (Repealed.)

(3) G. S. 20-139.1. Procedures governing chemical analyses; admissibility; evidentiary provisions; controlled-drinking programs.

(4) G. S. 20-140. Reckless driving.

(5) (Repealed.)

(6) G. S. 20-141. Speed restrictions.

(7) G. S. 20-141.3. Unlawful racing on streets and highways.

(8) G. S. 20-141.4. Felony and misdemeanor death by vehicle."

— SENTENCING PROCEDURES AND PUNISHMENT FOR IMPAIRED DRIVING OFFENSES.

Sec. 29. G. S. 20-179 and G. S. 20-179.1 are rewritten to read as follows:

"§ 20-179. **Sentencing hearing after conviction for impaired driving; determination of grossly aggravating and aggravating and mitigating factors; punishments. —** (a) Sentencing Hearing Required. After a conviction for impaired driving under G. S. 20-138.1, the judge must hold a sentencing hearing to determine whether there are aggravating or mitigating factors that affect the sentence to be imposed. Before the hearing the prosecutor must make all feasible efforts to secure the defendant's full record of traffic convictions, and must present to the judge that record for consideration in the hearing. Upon request of the defendant, the prosecutor must furnish the defendant or his attorney a copy of the defendant's record of traffic convictions at a reasonable time prior to

the introduction of the record into evidence. In addition, the prosecutor must present all other appropriate grossly aggravating and aggravating factors of which he is aware, and the defendant or his attorney may present all appropriate mitigating factors. In every instance in which a valid chemical analysis is made of the defendant, the prosecutor must present evidence of the resulting alcohol concentration.

(b) (Repealed.)

(c) Determining Existence of Grossly Aggravating Factors. At the sentencing hearing, based upon the evidence presented at trial and in the hearing, the judge must first determine whether there are any grossly aggravating factors in the case. If the defendant has been convicted of two or more prior offenses involving impaired driving, if the convictions occurred within seven years of the date of the offense for which he is being sentenced, the judge must impose the Level One punishment under subsection (g). The judge must also impose the Level One punishment if he determines that two or more of the following grossly aggravating factors apply:

(1) A single conviction for an offense involving impaired driving, if the conviction occurred within seven years of the date of the offense for which the defendant is being sentenced.

(2) Driving by the defendant while his driver's license was revoked under G. S. 20-28, and the revocation was an impaired driving revocation under G. S. 20-28.2(a).

(3) Serious injury to another person caused by the defendant's impaired driving.

If the judge determines that only one of the above grossly aggravating factors applies, he must impose the Level Two punishment under subsection (h). In imposing a Level One or Two punishment, the judge may consider the aggravating and mitigating factors in subsections (d) and (e) in determining the appropriate sentence. If there are no grossly aggravating factors in the case, the judge must weigh all aggravating and mitigating factors and impose punishment as required by subsection (f).

(d) Aggravating Factors To Be Weighed. The judge must determine before sentencing under subsection (f) whether any of the aggravating factors listed below apply to the defendant. The judge must weigh the seriousness of each aggravating factor in the light of the particular circumstances of the case. The factors are:

(1) Gross impairment of the defendant's faculties while driving or an alcohol concentration of 0.20 or more within a relevant time after the driving.

(2) Especially reckless or dangerous driving.

(3) Negligent driving that led to an accident causing property damage in excess of five hundred dollars ($500.00) or personal injury.

(4) Driving by the defendant while his driver's license was revoked.

(5) Two or more prior convictions of a motor vehicle offense not involving impaired driving for which at least three points are assigned under G. S. 20-16 or for which the convicted person's license is subject to revocation, if the convictions occurred within five years of the date of the offense for which the defendant is being sentenced, or one or more prior convictions of an offense involving impaired driving that occurred more than seven years before the date of the offense for which the defendant is being sentenced.

(6) Conviction under G. S. 20-141(j) of speeding by the defendant while fleeing or attempting to elude apprehension, if the offense occurred during the same act or transaction as the impaired driving offense.

(7) Conviction under G. S. 20-141 of speeding by the defendant by at least 30 miles per hour over the legal limit, if the offense occurred during the same act or transaction as the impaired driving offense.

(8) Passing a stopped school bus in violation of G. S. 20-217.

(9) Any other factor that aggravates the seriousness of the offense.

(e) Mitigating Factors To Be Weighed. The judge must also determine before sentencing under subsection (f) whether any of the mitigating factors listed below apply to the defendant. The judge must weigh the degree of mitigation of each factor in light of the particular circumstances of the case. The factors are:

(1) Slight impairment of the defendant's faculties resulting solely from alcohol, and an alcohol concentration that did not exceed 0.11 at any relevant time after the driving.

(2) Slight impairment of the defendant's faculties, resulting solely from alcohol, with no chemical analysis having been available to the defendant.

(3) Driving at the time of the offense that was safe and lawful except for the impairment of the defendant's faculties.

(4) A safe driving record, with the defendant's having no conviction for any serious traffic violation within five years of the date of the offense for which the defendant is being sentenced.

(5) Impairment of the defendant's faculties caused primarily by a lawfully prescribed drug for an existing medical condition, and the amount of the drug taken was within the prescribed dosage.

(6) The defendant's voluntary submission to a mental health facility for assessment after he was charged with impaired driving, and, if recommended by the facility, his voluntary participation in the recommended treatment.

(7) Any other factor that mitigates the seriousness of the offense.

(f) Weighing the Aggravating and Mitigating Factors. If the judge in the sentencing hearing determines that there are no grossly aggravating factors, he must weigh all aggravating and mitigating factors listed in subsections (d) and (e). If the judge determines that:

(1) The aggravating factors substantially outweigh any mitigating factors, he must note in the judgment the factors found and his finding that the defendant is subject to the Level Three punishment and impose a punishment within the limits defined in subsection (i).

(2) There are no aggravating and mitigating factors, or that aggravating factors are substantially counterbalanced by mitigating factors, he must note in the judgment any factors found and his finding that the defendant is subject to the Level Four punishment and impose a punishment within the limits defined in subsection (j).

(3) The mitigating factors substantially outweigh any aggravating factors, he must note in the judgment the factors found and his finding that the defendant is subject to the Level Five punishment and impose a punishment within the limits defined in subsection (k).

It is not a mitigating factor that the driver of the vehicle was suffering from alcoholism, drug addiction, diminished capacity, or mental disease or defect. Evidence of these matters may be received in the sentencing hearing, however, for use by the judge in formulating terms and conditions of sentence after determining which punishment level must be imposed.

(g) Level One Punishment. A defendant subject to Level One punishment may be fined up to two thousand dollars ($2,000) and must be sentenced to a term of imprisonment of not less than 14 days and not more than 24 months. The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least 14 days. If the defendant is placed on probation,

the judge must, if required by subsections (l) or (m), impose the conditions relating to treatment and education described in those subsections. The judge may impose any other lawful condition of probation. If the judge does not place on probation a defendant who is otherwise subject to the mandatory assessment and treatment provisions of subsection (m), he must include in the record of the case his reasons for not doing so.

(h) Level Two Punishment. A defendant subject to Level Two punishment may be fined up to one thousand dollars ($1,000) and must be sentenced to a term of imprisonment of not less than seven days and not more than 12 months. The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least seven days. If the defendant is placed on probation, the judge must, if required by subsections (l) or (m), impose the conditions relating to treatment and education described in those subsections. The judge may impose any other lawful condition of probation. If the judge does not place on probation a defendant who is otherwise subject to the mandatory assessment and treatment provisions of subsection (m), he must include in the record of the case his reasons for not doing so.

(i) Level Three Punishment. A defendant subject to Level Three punishment may be fined up to five hundred dollars ($500.00) and must be sentenced to a term of imprisonment of not less than 72 hours and not more than six months. The term of imprisonment must be suspended, on the condition that the defendant:

(1) Be imprisoned for a term of at least 72 hours as a condition of special probation; or

(2) Perform community service for a term of at least 72 hours; or

(3) Not operate a motor vehicle for a term of at least 90 days; or

(4) Any combination of these conditions.

The judge in his discretion may impose any other lawful condition of probation and, if required by subsections (l) or (m), must impose the conditions relating to treatment and education described in those subsections. This subsection does not affect the right of a defendant to elect to serve the suspended sentence of imprisonment as provided in G. S. 15A-1341(c).

(j) Level Four Punishment. A defendant subject to Level Four punishment may be fined up to two hundred fifty dollars ($250.00) and must be sentenced to a term of imprisonment of not less than 48 hours and not more than 120 days. The term of imprisonment must be suspended, on the condition that the defendant:

(1) Be imprisoned for a term of 48 hours as a condition of special probation; or

(2) Perform community service for a term of 48 hours; or

(3) Not operate a motor vehicle for a term of 60 days; or

(4) Any combination of these conditions.

The judge in his discretion may impose any other lawful condition of probation and, if required by subsection (l) or (m), must impose the conditions relating to treatment and education described in those subsections. This subsection does not affect the right of a defendant to elect to serve the suspended sentence of imprisonment as provided in G. S. 15A-1341(c).

(k) Level Five Punishment. A defendant subject to Level Five punishment may be fined up to one hundred dollars ($100.00) and must be sentenced to a term of imprisonment of not less than 24 hours and not more than 60 days. The term of imprisonment must be suspended, on the condition that the defendant:

(1) Be imprisoned for a term of 24 hours as a condition of special probation; or

(2) Perform community service for a term of 24 hours; or

(3) Not operate a motor vehicle for a term of 30 days; or

(4) Any combination of these conditions.

The judge may in his discretion impose any other lawful condition of probation and, if required by subsections (l) or (m), must impose the conditions relating to treatment and education described in those subsections. This subsection does not affect the right of a defendant to elect to serve the suspended sentence of imprisonment as provided in G S. 15A-1341(c).

(l) Education Required in Certain Cases. If a defendant being sentenced under this section is placed on probation, he must be required as a condition of that probation to complete the course of instruction successfully at an Alcohol and Drug Education Traffic School established pursuant to G. S. 20-179.2 within 90 days of the date of conviction unless:

(1) He has previously been assigned to an Alcohol and Drug Education Traffic School and has successfully completed the course of instruction; or

(2) The judge finds that the defendant will not benefit from the course of instruction because of specific, extenuating circumstances.

(m) Assessment and Treatment Required in Certain Cases. If a defendant being sentenced under this section is placed on probation, he must be required as a condition of that probation to obtain a substance abuse assessment if:

(1) He had an alcohol concentration of 0.20 or more as indicated by a chemical analysis taken when he was charged; or

(2) He has a prior conviction for an offense involving impaired driving within the five years preceding the date of the offense for which he is being sentenced and, when he was charged with the current offense, he either:

a. Had an alcohol concentration of 0.10 or more; or

b. Willfully refused to submit to a chemical analysis.

The judge must require the defendant to obtain the assessment from an area mental health agency, its designated agent, or a private facility licensed by the State for the treatment of alcoholism and substance abuse. In addition, he must require the defendant to participate in a treatment program if recommended by the assessing agency, and he must require the defendant to execute a Release of Information authorizing the treatment agency to report his progress to the court or the Division of Adult Probation and Parole. The judge may order the defendant to participate in an appropriate treatment program at the time he is ordered to obtain an assessment, or he may order him to reappear in court when the assessment is completed to determine if a condition of probation requiring participation in treatment should be imposed. The judge must require the defendant to pay twenty-five dollars ($25.00) for the services of the assessment facility and the treatment fees that may be charged by the treatment facility. If the defendant is treated by an area mental health facility, G. S. 122-35.47 applies. Any determinations with regard to the defendant's ability to pay the assessment fee must be made by the judge. In those cases in which no substance abuse handicap is identified, that finding must be forwarded in writing to the court. When treatment is required, the treatment agency's progress reports must be filed with the court or the Division of Adult Probation and Parole at intervals of no greater than six months until the termination of probation or the treatment agency determines and reports that no further treatment is appropriate.

(n) Time Limits for Performance of Community Service. If the judgment requires the defendant to perform a specified number of hours of community service as provided in subsections (i), (j), or (k), the community service must be completed:

(1) Within 90 days, if the amount of community service required is 72 hours or more; or

(2) Within 60 days, if the amount of community service requird is 48 hours; or

(3) Within 30 days, if the amount of community service required is 24 hours.

The court may extend these time limits upon motion of the defendant if it finds that the defendant has made a good faith effort to comply with the time limits specified in this subsection. Failure to complete the community service requirement within the applicable time limits is a violation of the defendant's probation and, in addition, is a ground for revocation of any limited driving privilege held by the defendant for the impaired driving offense.

(o) Evidentiary Standards; Proof of Prior Convictions. In the sentencing hearing, the State must prove any grossly aggravating or aggravating factor by the greater weight of the evidence, and the defendant must prove any mitigating factor by the greater weight of the evidence. Evidence adduced by either party at trial may be utilized in the sentencing hearing. Except as modified by this section, the procedure in G. S. 15A-1334(b) governs. The judge may accept any evidence as to the presence or absence of previous convictions that he finds reliable but he must give *prima facie* effect to convictions recorded by the Division or any other agency of the State of North Carolina. A copy of such conviction records transmitted by the police information network in general accordance with the procedure authorized by G. S. 20-26(b) is admissible in evidence without further authentication. If the judge decides to impose an active sentence of imprisonment that would not have been imposed but for a prior conviction of an offense, the judge must afford the defendant an opportunity to introduce evidence that the prior conviction had been obtained in a case in which he was indigent, had no counsel, and had not waived his right to counsel. If the defendant proves by the preponderance of the evidence all three above facts concerning the prior case, that conviction may not be used as the basis for imposing an active sentence of imprisonment.

(p) Limit on Ameliorations of Punishment. With respect to the period of any minimum active term of imprisonment or minimum or specific term of imprisonment as a condition of special probation under this section:

(1) The judge may not give credit to the defendant for the first 24 hours of the time spent in incarceration pending trial.

(2) No good time or gain time may be credited to reduce the minimum or specified term of imprisonment.

(3) The defendant may not be released on parole.

(q) Meaning of 'Conviction'. For the purposes of this Article, 'conviction' includes a guilty verdict, guilty plea, plea of no contest, or anything that would be treated as a conviction under G. S. 20-24(c).

"§ 20-179.1. **Presentence investigation of persons convicted of offense involving impaired driving.** — When a person has been convicted of an offense involving impaired driving, the trial judge may request a presentence investigation to determine whether the person convicted would benefit from treatment for habitual use of alcohol or drugs. If the person convicted objects, no presentence investigation may be ordered, but the judge retains his power to order suitable treatment as a condition of probation, and must do so when required by statute."

— ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS.

Sec. 30. G. S. 20-179.2 is amended by repealing subsection (b) and by designating the present subdivisions (a)(1), (a)(2), (a)(3), and (a)(4) as subsections (c), (d), (e), and (f), respectively. That section is further amended by deleting the fourth sentence of the present subdivision (a)(1) (redesignated as subsection (c)) and inserting in its place the following sentence:

"The fee must be paid in full within two weeks from the date school attendance is ordered as a condition of probation, unless the court, upon a showing of hardship by the person, allows the person additional time to pay the fee."

— LIMITED DRIVING PRIVILEGE.

Sec. 31. Chapter 20 of the General Statutes is amended by adding a new G. S. 20-179.3 to read as follows:

"§ 20-179.3. **Limited driving privilege.** — (a) Definition of Limited Driving Privilege. A limited driving privilege is a judgment issued in the discretion of a court for good cause shown authorizing a person with a revoked driver's license to drive for essential purposes related to any of the following:

(1) His employment.
(2) The maintenance of his household.
(3) His education.
(4) His court-ordered treatment or assessment.
(5) Community service ordered as a condition of the person's probation.
(6) Emergency medical care.

(b) Eligibility. A person convicted of the offense of impaired driving under G. S. 20-138.1 is eligible for a limited driving privilege if:

(1) At the time of the offense he held a valid driver's license;
(2) At the time of the offense he had not within the preceding 10 years been convicted of an offense involving impaired driving;
(3) Punishment Level Three, Four, or Five was imposed for the offense of impaired driving; and
(4) Subsequent to the offense he has not been convicted of, or had an unresolved charge lodged against him for, an offense involving impaired driving.

A person whose North Carolina driver's license is revoked because of a conviction in another jurisdiction substantially equivalent to impaired driving under G. S. 20-138.1 is eligible for a limited driving privilege if he would be eligible for it had the conviction occurred in North Carolina. Eligibility for a limited driving privilege following a revocation under G. S. 20-16.2(d) is governed by G. S. 20-16.2(e1).

(c) Privilege Not Effective Until After Compliance With Court-Ordered Revocation. A person convicted of an impaired driving offense may apply for a limited driving privilege at the time the judgment is entered. If the judgment does not require the person to complete a period of nonoperation pursuant to G. S. 20-179, the privilege may be issued at the time the judgment is issued. If the judgment requires the person to complete a period of nonoperation pursuant to G. S. 20-179, the limited driving privilege may not be effective until the person successfully completes that period of nonoperation. A person whose license is revoked because of a conviction in another jurisdiction substantially equivalent to impaired driving under G. S. 20-138.1 may apply for a limited driving privilege only after having completed at least 60 days of a court-imposed term of nonoperation of a motor vehicle, if the court in the other jurisdiction imposed such a term of nonoperation.

(d) Application for and Scheduling of Subsequent Hearing. The application for a limited driving privilege made subsequent to sentencing must be filed with the clerk in duplicate, and no hearing scheduled may be held until a reasonable time after the clerk files a copy of the application with the district attorney's office. The hearing must be scheduled before:

(1) The presiding judge at the applicant's trial if that judge is assigned to a court in the judicial district in which the conviction for impaired driving was imposed.

(2) The senior regular resident superior court judge of the district in which the conviction for impaired driving was imposed, if the presiding judge is not available within the district and the conviction was imposed in superior court.

(3) The chief district court judge of the district in which the conviction for impaired driving was imposed, if the presiding judge is not available within the district and the conviction was imposed in district court.

If the applicant was convicted of an offense in another jurisdiction, the hearing must be scheduled before the chief district court judge of the district in which he resides. G. S. 20-16.2(e1) governs the judge before whom a hearing is scheduled if the revocation was under G. S. 20-16.2(d). The hearing may be scheduled in any county within the judicial district.

(e) Limited Basis for and Effect of Privilege. A limited driving privilege issued under this section authorizes a person to drive if his license is revoked solely under G. S. 20-17(2) or as a result of a conviction in another jurisdiction substantially equivalent to impaired driving under G. S. 20-138.1; if the person's license is revoked under any other statute, the limited driving privilege is invalid.

(f) Overall Restriction on Use of Privilege. In addition to specific restrictions that must be imposed under subsection (g), a limited driving privilege must restrict the applicant to essential driving related to the purposes listed in subsection (a). Driving related to emergency medical care is authorized at any time, but any other driving is unlawful unless it is for a purpose listed in subsection (a) and is within the times and at a place authorized under the subsection (g).

(g) Specific Restrictions on Driving Required to Be Stated. Under this section, 'standard working hours' are 6:00 a.m. to 8:00 p.m. on Monday through Friday. If the applicant is not required to drive for essential work-related purposes except during standard working hours, the judge in the limited driving privilege:

(1) Must prohibit driving during nonstandard working hours except for essential driving related to emergency medical care and specified essential driving for the applicant's education or court-ordered assessment, treatment, or community service; and

(2) May state other information and restrictions applicable to work-related driving during standard working hours.

The judge in the limited driving privilege may not allow the applicant to drive for maintenance of his household except during standard working hours, and the judge may impose any additional restrictions on such driving. If the applicant is required to drive for essential work-related purposes during nonstandard working hours, he must present documentation of that fact to the court before the judge may authorize him to drive during nonstandard working hours. If this authorization is granted, the limited driving privilege must contain the exact times and routes in which the holder will be driving to work or as a condition of employment, and restrict driving to those times and routes. The judge may also impose other restrictions, including a specification as to the vehicle to be driven. The judge must give the name and location of the place of work and may include any other information as to residence and essential driving needs that may assist law enforcement officers inspecting the limited driving privilege. If the applicant seeks permission to drive to and from court-ordered assessments, treatment, or community service or an educational program, including an Alcohol and Drug Education Traffic School, the judge must find that the applicant has no reasonable alternative to his driving. If the judge makes such a finding, he may authorize driving for that purpose, but if the driving will occur during nonstandard working hours, the judge must state the same information and restrictions applicable to work-related driving during those hours.

(h) Other Mandatory and Permissive Conditions or Restrictions. In all limited driving privileges the judge must also include a restriction that the applicant not consume alcohol while driving or drive at any time while he has remaining in his body any alcohol or in his blood a controlled substance previously consumed, unless the controlled substance was lawfully obtained and taken in therapeutically appropriate amounts. The judge may impose any other reasonable restrictions or conditions necessary to achieve the purpose of this section.

(i) Modification or Revocation of Privilege. A judge who issues a limited driving privilege is authorized to modify or revoke the limited driving privilege upon a showing that the circumstances have changed sufficiently to justify modification or revocation. If the judge who issued the limited driving privilege is not available, a judge authorized to issue a limited driving privilege under subsection (d) may modify or revoke a limited driving privilege in accordance with this subsection. The judge must indicate in the order of modification or revocation the reasons for the order, or he must make specific findings indicating the reason for the order and those findings must be entered in the record of the case.

(j) Effect of Violation of Restriction. A holder of a limited driving privilege who violates any of its restrictions commits the offense of driving while his license is revoked under G. S. 20-28(a) and is subject to punishment and license revocation as provided in that section. If a law enforcement officer has reasonable grounds to believe that the holder of a limited driving privilege has consumed alcohol while driving or has driven while he has remaining in his body any alcohol previously consumed, the suspected offense of driving while license is revoked is an alcohol-related offense subject to the implied-consent provisions of G. S. 20-16.2. If a holder of a limited driving privilege is charged with violating a restriction contained in his limited driving privilege, and a judicial official determines that there is probable cause for the charge, the limited driving privilege is suspended pending the resolution of the case, and the judicial official must require the holder to surrender the limited driving privilege. The judicial official must also notify the holder that he is not entitled to drive until his case is resolved.

(k) Copy of Limited Driving Privilege to Division; Action Taken if Privilege Invalid. The clerk of court must send a copy of any limited driving privilege issued in the county to the Division. A limited driving privilege that is not authorized by this section, G. S. 20-16.2(e1), or G. S. 20-16.1, or that does not contain the limitations required by law, is invalid. If the limited driving privilege is invalid on its face, the Division must immediately notify the court and the holder of the privilege that it considers the privilege void and that the Division records will not indicate that the holder has a limited driving privilege."

PART II. PROTECTION OF YOUTHFUL DRIVERS.

— RAISING BEER PURCHASE AGE.

Sec. 32. G. S. 18B-300(a), 18B-302(a)(1), 18B-900(a)(1), and 18B-900(d) are amended by deleting the number "18" wherever it appears in those subsections and inserting in its place the number "19".

— GROUNDS FOR REVOKING PROVISIONAL LICENSE.

Sec. 33. Chapter 20 of the General Statutes is amended to add a new G. S. 20-13.2 to read as follows:

"§ 20-13.2. **Grounds for revoking provisional license.** — (a) The Division must revoke the license of a person convicted of violating the provisions of G. S. 20-138.3 upon receipt of a record of the licensee's conviction.

(b) If a person is convicted of an offense involving impaired driving and the offense occurs while he is a provisional licensee, his license must be revoked under this section in addition to any other revocation required or authorized by law.

(c) If a person willfully refuses to submit to a chemical analysis pursuant to G. S. 20-16.2 while he is a provisional licensee, his license must be revoked under this section, in addition to any other revocation required or authorized by law. A revocation order entered under authority of this subsection becomes effective at the same time as a revocation order issued under G. S. 20-16.2 for the same willful refusal.

(d) A revocation under this section continues until the provisional licensee reaches 18 years of age or 45 days have elapsed, whichever occurs last. Revocations under this section run concurrently with any other revocations, but a limited driving privilege issued pursuant to law does not authorize a provisional licensee to drive if his license is revoked under this section."

— DRIVING BY PROVISIONAL LICENSEE AFTER DRINKING.

Sec. 34. Chapter 20 of the General Statutes is amended by adding a new section, G. S. 20-138.3, to read as follows:

"§ 20-138.3. **Driving by provisional licensee after consuming alcohol or drugs.** — (a) Offense. It is unlawful for a provisional licensee to drive a motor vehicle on a highway or public vehicular area while consuming alcohol or at any time while he has remaining in his body any alcohol or in his blood a controlled substance previously consumed, but a provisional licensee does not violate this section if he drives with a controlled substance in his blood which was lawfully obtained and taken in therapeutically appropriate amounts.

(b) Subject to Implied-Consent Law. An offense under this section is an alcohol-related offense subject to the implied-consent provisions of G. S. 20-16.2.

(c) Punishment; Effect When Impaired Driving Offense Also Charged. The offense in this section is punishable under G. S. 20-176(b). It is not, in any circumstances, a lesser included offense of impaired driving under G. S. 20-138.1, but if a person is convicted under this section and of an offense involving impaired driving arising out of the same transaction, the aggregate punishment imposed by the court may not exceed the maximum applicable to the offense involving impaired driving, and any minimum punishment applicable must be imposed."

— FRAUDULENT USE OF ID; AIDER AND ABETTOR PUNISHMENT.

Sec. 35. G. S. 18B-302 is amended by rewriting subsections (b), (c), (e), and (f), and adding subsection (g) to read as follows:

"(b) Purchase or Possession. It shall be unlawful for:

(1) A person less than 19 years old to purchase, to attempt to purchase, or to possess malt beverages or unfortified wine; or

(2) A person less than 21 years old to purchase, to attempt to purchase, or to possess fortified wine, spirituous liquor, or mixed beverages.

(c) Aider and Abettor.

(1) By underage person. Any person who is under the lawful age to purchase and who aids or abets another in violation of subsection (a) or (b) of this section shall be guilty of a misdemeanor punishable by a fine up to five hundred dollars ($500.00) or imprisonment for not more than six months, or both, in the discretion of the court.

(2) By person over lawful age. Any person who is over the lawful age to purchase and who aids or abets another in violation of subsection (a) or (b) of this section shall be guilty of a misdemeanor punishable by a fine of up to two thousand

dollars ($2,000) or imprisonment for not more than two years, or both, in the discretion of the court.

(e) Fraudulent Use of Identification. It shall be unlawful for any person to obtain or attempt to obtain alcoholic beverages in violation of subsection (b) of this section by using or attempting to use:

(1) A fraudulent or altered driver's license; or

(2) A fraudulent or altered identification document other than a driver's license; or

(3) A driver's license issued to another person; or

(4) An identification document other than a driver's license issued to another person.

(f) Allowing Use of Identification. It shall be unlawful for any person to permit the use of his driver's license or any other identification document of any kind by any person who violates or attempts to violate subsection (b) of this section.

(g) Conviction Report Sent to Division of Motor Vehicles. The court shall file a conviction report with the Division of Motor Vehicles indicating the name of the person convicted and any other information requested by the Division if the person is convicted of:

(1) A violation of subsection (e) or (f) of this section; or

(2) A violation of subdivision (c)(1) of this section; or

(3) A violation of subsection (b) of this section, if the violation occurred while the person was purchasing or attempting to purchase an alcoholic beverage.

Upon receipt of a conviction report, the Division shall revoke the person's license as required by G. S. 20-17.3."

— REVOCATION FOR UNDERAGE PURCHASERS OF ALCOHOL.

Sec. 36. General Statutes Chapter 20 is amended by adding a new section to read:

"§ 20-17.3. **Revocation for underage purchasers of alcohol.** — The Division shall revoke for one year the driver's license of any person who has been convicted of violating any of the following:

(1) G. S. 18B-302(c)(1), (e), or (f); or

(2) G. S. 18B-302(b), if the violation occurred while the person was purchasing or attempting to purchase an alcoholic beverage.

If the person's license is currently suspended or revoked, then the revocation under this section shall begin at the termination of that revocation."

PART III. DRAM SHOP OWNER LIABILITY.

— DRAM SHOP OWNER LIABILITY; BURDEN OF PROOF.

Sec. 37. Chapter 18B of the General Statutes is amended by adding a new Article 1A to read:

"Article 1A.

"Compensation for Injury Caused by Sales to Underage Persons.

"§ 18B-120. **Definitions.** — As used in this Article:

(1) 'Aggrieved Party' means a person who sustains an injury as a consequence of the actions of the underage person, but does not include the underage person or a person who aided or abetted in the sale or furnishing to the underage person.

(2) 'Injury' includes, but is not limited to, personal injury, property loss, loss of means of support, or death. Damages for death shall be determined under the provisions of G. S. 28A-18-2(b). Nothing in G. S. 28A-18-2(a) or subdivision (1) of this section shall be interpreted to preclude recovery under this Article for loss of support or death on account of injury to or death of the underage person or a person who aided or abetted in the sale or

furnishing to the underage person.

(3) 'Underage person' means a person who is less than the age legally required for purchase of the alcoholic beverage in question.

(4) 'Vehicle' shall have the same meaning as prescribed by G. S. 20-4.01(49).

"§ 18B-121. **Claim for relief created for sale to underage person.** — An aggrieved party has a claim for relief for damages against a permittee or local Alcoholic Beverage Control Board if:

(1) The permittee or his agent or employee or the local board or its agent or employee negligently sold or furnished an alcoholic beverage to an underage person; and

(2) The consumption of the alcoholic beverage that was sold or furnished to an underage person caused or contributed to, in whole or in part, an underage driver's being subject to an impairing substance within the meaning of G. S. 20-138.1 at the time of the injury; and

(3) The injury that resulted was proximately caused by the underage driver's negligent operation of a vehicle while so impaired.

"§ 18B-122. **Burden of proof and admissibility of evidence.** — The plaintiff shall have the burden of proving that the sale or furnishing of the alcoholic beverage to the underage person, as defined, was, under the circumstances, negligent. Proof of the sale or furnishing of the alcoholic beverage to an underage person, as defined, without request for identification shall be admissible as evidence of negligence. Proof of good practices (including but not limited to, instruction of employees as to laws regarding the sale of alcoholic beverages, training of employees, enforcement techniques, admonishment to patrons concerning laws regarding the purchase or furnishing of alcoholic beverages, or detention of a person's identification documents in accordance with G. S. 18B-129 and inquiry about the age or degree of intoxication of the person), evidence that an underage person misrepresented his age, or that the sale or furnishing was made under duress is admissible as evidence that the permittee was not negligent.

"§ 18B-123. **Limitation on damages.** — The total amount of damages that may be awarded to all aggrieved parties pursuant to any claims for relief under this Article is limited to no more than five hundred thousand dollars ($500,000) per occurrence. When all claims arising out of an occurrence exceed five hundred thousand dollars ($500,000), each claim shall abate in the proportion it bears to the total of all claims.

"§ 18B-124. **Joint and several liability.** — The liability of the negligent driver or owner of the vehicle that caused the injury and the permittee or ABC Board which sold or furnished the alcoholic beverage shall be joint and several, with right of contribution but not indemnification.

"§ 18B-125. **Exceptions.** — This Article does not create a claim for relief against the following:

(1) One who holds only a brown bagging permit, a special occasions permit, or a limited special occasions permit;

(2) One who holds only a special one-time permit under G. S. 18B-1002;

(3) One who holds only permits listed in G. S. 18B-1100;

(4) One who holds any combination of the permits listed in this section.

"§ 18B-126. **Statute of limitations.** — The statute of limitations is as provided in G. S. 1-54.

"§ 18B-127. **Duty of clerk of superior court.** — When execution on a judgment on a cause of action under G. S. 18B-121 is returned unsatisfied, in whole or in part, the clerk of superior court to whom such return is made shall transmit to the Commission certified copies of the judgment, the execution and return and any other proceedings upon the judgment.

"§ 18B-128. **Common law rights not abridged.** — The creation of any claim for relief by this Article may not be interpreted to abrogate or abridge any claims for relief under the common law, but this Article does not authorize double recovery for the same injury.

"§ 18B-129. **No liability for refusal to sell or for holding documents.** — (a) No permittee or his agent or employee may be held liable for damages resulting from the refusal to sell or furnish an alcoholic beverage to a person who fails to show proper identification as described in G. S. 18B-302(d), or who appears to be an underage person.

(b) No permittee or his agent or employee may be held civilly liable if the permittee or his agent or employee holds a customer's identification documents for a reasonable length of time in a good faith attempt to determine whether the customer is of legal age to purchase an alcoholic beverage, provided that the permittee or his agent or employee informs the customer of the reason for his actions."

— STATUTE OF LIMITATIONS.

Sec. 38. G. S. 1-54 is amended by adding a new subdivision (7) to read:

"(7) For recovery of damages under Article 1A of General Statutes Chapter 18B."

— ABC PERMITTEE'S REQUIREMENTS.

Sec. 39. G. S. 18B-900(a) is amended by adding a new subdivision (7) to read as follows:

"(7) Not have, whether as an individual or as an officer, director, shareholder or manager of a corporate permittee, an unsatisfied outstanding final judgment that was entered against him in an action under Article 1A of this Chapter."

— REVOCATION OF PERMIT FOR NONPAYMENT OF JUDGMENT.

Sec. 40. G. S. 18B-1003 is amended by adding thereto a new subsection (d) to read as follows:

"(d) Financial Responsibility. A permittee shall pay all judgments rendered against him under the provisions of Article 1A of this Chapter. When the Commission is informed, under the provisions of G. S. 18B-127 that there is an outstanding unsatisfied judgment against a permittee, the Commission shall suspend all of the permittee's permits. Notice and hearing are not required for a suspension under this subsection, and the suspension shall become effective immediately upon the Commission's receipt of the report. The suspension shall remain in effect until the permittee demonstrates that he has satisfied the judgment by payment in full. Nothing in this section relieves the permittee of the obligation to pay any applicable fees as a precondition of the reinstatement of his permit."

— LOCAL BOARD NOT COUNTY OR CITY AGENCY.

Sec. 41. G. S. 18B-101(8) is amended by adding thereto the following:

"A local board is an independent local political subdivision of the State. Nothing in this Chapter shall be construed as constituting a local board the agency of a city or county or of the Commission."

— NO LEGISLATIVE INTENT AS TO CIVIL LIABILITY FOR SALES TO INTOXICATED PERSONS.

Sec. 41.1. The original inclusion and ultimate deletion in the course of passing this act of statutory liability for certain persons who sell or furnish alcoholic beverages to intoxicated persons does not reflect any legislative intent one way or the other with respect to the issue of civil liability for negligence by persons who sell or furnish those beverages to such persons.

PART IV. EFFECTIVE DATE AND TRANSITIONAL PROVISIONS.

— SAVING CLAUSE FOR PROSECUTIONS AND REVOCATIONS.

Sec. 42. Prosecutions for offenses occurring before the effective date of this act and administrative actions affecting drivers' licenses based on these offenses are not abated or affected by the repeal or amendment in this act of statutes creating or punishing the offense or authorizing administrative action concerning a driver's license, and the statutes that would be applicable but for the amendments and repealers in this act remain applicable to those prosecutions and administrative actions.

— APPLICABILITY OF DRAM SHOP PROVISIONS.

Sec. 43. Sections 37, 38, 39 and 40 of this act apply only to acts and omissions occurring on or after the effective date of this act.

— CAPTIONS NOT LIMIT TEXT/ONLY FOR REFERENCE.

Sec. 44. The series of captions used in this act (the descriptive phrases in all capital letters identified by parts numbered with Roman numerals or preceded by hyphens) are inserted for convenience and reference only; and in no way define, limit, or prescribe the scope or application of the text of this act.

— SEVERABILITY.

Sec. 45. If any provision of this act or its application to any person or circumstances is held invalid by any court of competent jurisdiction, the invalidity will not affect other provisions or applications that can be given effect without the invalid provision or application; and to this end the provisions of this act are severable.

— RESERVE FUND FOR IMPLEMENTATION.

Sec. 45.1. The funds collected pursuant to Section 14 of this act shall be paid into a Reserve Fund. Funds from this Reserve Fund may be transferred by the Director of the Budget, with the advice of the Joint Legislative Commission on Governmental Operations, for the sole purpose of implementing the Safe Roads Act of 1983, including reimbursement to counties for increased jail expenses incurred as a result of this act. Any funds from the Reserve Fund not used to implement the Safe Roads Act of 1983 shall revert to the General Fund.

— EFFECTIVE DATE.

Sec. 46. Except as provided in Sections 42 and 43, this act shall become effective October 1, 1983.

On motion of Senator Barnes of Wayne, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 198
Senate Committee Substitute

Senator Warren, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 198** (Senate Committee Substitute), a bill to exempt nonresident military dependents from driver's license requirements, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute for House Bill 198 (adopted 5/13/83), A BILL TO BE ENTITLED AN ACT TO EXEMPT NONRESIDENT MILITARY DEPENDENTS FROM DRIVER'S LICENSE REQUIREMENTS, wish to report as follows:

The Conference Committee recommends that the differences between the Senate and House of Representatives regarding the Senate Committee Substitute for House Bill 198 (adopted 5/13/83) be resolved by deleting from line 7 of page 1 of the bill the following: "(a)"

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 2nd day of June, 1983.

ROBERT D. WARREN	AARON E. FUSSELL
ANTHONY E. RAND	JOHN T. CHURCH
J. J. HARRINGTON	MARTIN LANCASTER
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Warren, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. J. R. 445, a joint resolution requesting the Legislative Research Commission to study the procedure for incorporating municipalities, with an unfavorable report as to joint resolution, but favorable as to Committee Substitute joint resolution.

On motion of Senator Edwards of Caldwell, the rules are suspended and the Committee Substitute joint resolution is placed before the Senate for immediate consideration.

On motion of Senator Edwards of Caldwell, the Committee Substitute joint resolution is adopted, and on his further motion is placed on the Calendar for Monday, June 6.

By Senator Soles for the **Judiciary II Committee:**

H. B. 651, a bill to amend the adoption statutes and related laws, with a favorable report.

H. B. 663 (Committee Substitute), a bill to revise G. S. 47-30, with a favorable report, as amended.

H. B. 742, a bill relating to the election of trustees of Smithville Township's J. Arthur Dosher Memorial Hospital, with a favorable report.

H. B. 848, a bill to convert to fee simple certain ninety-nine year leases of the Town of Smithville or the City of Southport, with a favorable report.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 495, a bill to make interstate transfers of prisoners more open to public scrutiny, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 6.

By Senator Barnes of Wayne for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

S. B. 513, a bill to establish unique and relevant education and training standards for sheriffs, their deputies, and other personnel, with a favorable report, as amended.

H. B. 1034 (Committee Substitute), a bill to clarify the procedures used under the fair sentencing act when several crimes are consolidated for judgment, with a favorable report.

By Senator Childers for the **Manufacturing, Labor and Commerce Committee:**

S. B. 373, a bill to return to the pre-1981 exemptions from the enforcement of money judgments, with a favorable report, as amended.

By Senator Plyler for the **Pensions and Retirement Committee:**

S. B. 247, a bill to change the employment status of blind persons licensed by the State and working as Randolph-Sheppard vendors under contract with the Department of Human Resources, with a favorable report, as amended.

On motion of Senator Plyler, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S. B. 472, a bill to extend thirty-year unreduced retirement benefits to teachers and State employees who retired prior to July 1, 1973, and who contributed to the Teachers' and State Employees' Retirement System for thirty or more years, with a favorable report, as amended.

By Senator Lawing for the **Rules and Operation of the Senate Committee.**

H. B. 810, a bill to allow the Speaker of the House and the President of the Senate to authorize studies by standing committees and to create and appoint select committees of the General Assembly, and to make technical amendments, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Marion, Edwards of Caldwell, Harris of Cleveland, Kincaid, Marvin, and Rauch:

S. J. R. 562, a joint resolution honoring the life and memory of Fate James Beal.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Daniels and Harrington:

S. J. R. 563, a joint resolution honoring the life and memory of Marion D. Thorpe.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Speed, Alford, Allsbrook, Duncan, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hunt, Jenkins, Marion, Parnell, Rauch, Soles, Staton, Swain, Walker, White, and Woodard:

S. B. 564, a bill to amend the Uniform Judicial Retirement Act pertaining to benefits on death before retirement.
Referred to **Pensions and Retirement Committee.**

Senator Duncan moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Duncan:

S. B. 565, a bill to authorize the Department of Transportation to permit encroachment of airspace above Henry Street in the Town of Stoneville for construction of a bridge.
Referred to **Finance Committee.**

By Senators Rauch and Warren:

S. B. 566, a bill to grant to gasohol a five cent partial exemption from the gasoline and special fuels tax.
Referred to **Finance Committee.**

By Senators Warren, Rand, and Winner:

S. B. 567, a bill to amend Article 10 of Chapter 115C of the General Statutes pertaining to vocational education.
Referred to **Education Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 96 (Committee Substitute), a bill to simplify and codify the rules of evidence.
Referred to **Judiciary III Committee.**

H. B. 1044, a bill to authorize local administrative boards of community colleges to establish cooperative programs with high schools.
Referred to **Higher Education Committee.**

H. B. 1116, a bill to require State agencies and political subdivisions to cooperate in efforts to promote the use of small, minority and women contractors in public construction and purchasing contracts.
Referred to **Ways and Means/Small Business Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 49 (House Committee Substitute), a bill relating to the appointment of notaries public, for concurrence in the House Committee Substitute bill.

On motion of Senator Staton, the Senate concurs in the House Committee Substitute bill and the bill is orderd enrolled.

S. B. 298 (Committee Substitute), a bill to allow issuance of fictitious drivers' licenses and registration plates for alcohol law enforcement agents and Division of Motor Vehicles law enforcement personnel, with pending Amendment No. 1, upon third reading.

On motion of Senator Thomas of Henderson, consideration of the Committee Substitute bill and pending Amendment No. 1 is postponed until Tuesday, June 7.

S. B. 307, a bill to amend the statute providing an annual fee for emergency planning for each fixed nuclear facility within the State of North Carolina to include such fee for any facility with a Plume Exposure Pathway Emergency Planning Zone which extends into this State.

Without objection, the Chair orders the bill placed on the Calendar for tomorrow, June 3.

S. B. 323 (Committee Substitute), a bill regarding the method of execution in this State, as amended, with pending Amendment No. 2, upon third reading.

Without objection, the Chair orders the Committee Substitute bill, as amended, with pending Amendment No. 2, placed on the Calendar for tomorrow, June 3.

S. B. 508, a bill to clarify the State Treasurer's investment authority and to enhance the management of the Trust Fund Investment Program.

Upon motion of Senator Martin the bill is temporarily displaced.

H. B. 255 (Senate Committee Substitute), a bill to amend General Statutes Chapter 74C, the Private Protective Services Act, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, and Wright—47.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar upon third reading.

H. B. 560 (Committee Substitute), a bill to empower Washington County Hospital and Chowan Hospital to use attachment and garnishment procedures for collecting unpaid bills, upon second reading.

On motion of Senator Harrington, the Committee Substitute bill is recommitted to the **Ways and Means Committee** (electronically recorded).

H. B. 579, a bill to increase the minimum amount for construction contracts which require performance and payment bonds.

The bill passes its second and third readings and is ordered enrolled.

H. B. 580, a bill to amend the Charter of the City of Charlotte to provide for an alternative eminent domain procedure, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson , Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rauch, Redman, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright—46.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 607 (Committee Substitute), a bill to prohibit hunting from roads and to prohibit deer hunting on the lands of another without the consent of the landowner in Wilson County.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 700, a bill to allow the State to take a voluntary dismissal with leave when a defendant is found incapable of proceeding, upon third reading.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 825, a bill to add Duplin County to the list of counties that may use attachment and garnishment to collect fees for ambulance services, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Walker, Ward, Warren, White, Winner, and Wright—45.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1001, a bill to revise and consolidate the Charter of the Town of Ellenboro and to repeal prior local acts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Walker, Ward, Warren, White, Winner, and Wright—45.

Voting in the negative: None.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 40 (Committee Substitute), an act to amend Chapter 66, Article 19, to clarify the scope of the Business Opportunity Sales Act. (Ch. 421)

S. B. 345 (Committee Substitute), an act to place a one-year freeze on the granting of certificates of need for alcohol treatment beds, drug treatment beds, or both. (Ch. 415)

H. B. 61, an act to make clarifying and technical amendments to various insurance statutes. (Ch. 416)

H. B. 752 (Committee Substitute), an act to amend the consumer protection law to make it easier for consumers to enforce the rights granted to them under the law. (Ch. 417)

H. B. 858, an act to delete New Hanover County from the provisions of the General Statutes relating to vacancies on boards of commissioners in certain counties. (Ch. 418)

H. B. 969, an act to clarify procedures for contesting debts submitted for collection under the Setoff Debt Collection Act. (Ch. 419)

H. B. 1061, an act to ensure due process for persons whose cars are towed pursuant to a law enforcement officer's order. (Ch. 420)

On motion of Senator Lawing seconded by Senator Jordan, the Senate adjourns to meet tomorrow at 11:00 A.M.

ONE HUNDRED-THIRD DAY

SENATE CHAMBER,
Friday, June 3, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, You call us to work for You in the world and promise us gifts to enable us to do Your will. We give You thanks for Your many mercies to us during this week of work, for the wisdom and insight given to us by Your Spirit, for courage for standing up for our own rights and the rights of others, for compassionate hearts that are concerned for the poor and the outcast, for open minds that enable us to hear the concerns of our neighbors, for steadfast devotion to the work we have been called to do. For all that we have done in our lives that is good, we give the praise to You, O God, for we know that it is Your strength that brings strength to us. Now let us continue in Your favor that we might always do what is pleasing to You and helpful to our brothers and sisters in faith. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the

Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Rauch, Harris of Cleveland, and Harris of Mecklenburg for today.

A leave of absence granted previously to Senator Woodard is noted.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 1 HOUSE OF REPRESENTATIVES
(House Committee Substitute) June 2, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Com. Sub. for **S. B. No. 1,** A BILL TO BE ENTITLED AN ACT TO PROVIDE SAFE ROADS BY REQUIRING MANDATORY JAIL TERMS FOR GROSSLY AGGRAVATED DRUNKEN DRIVERS, PROVIDING AN EFFECTIVE DETERRENT TO REDUCE THE INCIDENCE OF IMPAIRED DRIVING, AND CLARIFYING THE STATUTES RELATED TO DRINKING AND DRIVING, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

The bill is ordered enrolled.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 451 (Committee Substitute), a bill to balance the cost of extending credit on merchants revolving charge accounts, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Edwards of Caldwell, the rules are suspended and the Committee Substitute bill No. 2, which changes the title to read **S. B. 451** (Committee Substitute No. 2), a bill to define the cost and method of extending credit on merchants revolving charge accounts, is placed before the Senate for immediate consideration.

On motion of Senator Edwards of Caldwell, the Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Tuesday, June 7.

By Senator Edwards of Caldwell for Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 141, a bill to rewrite the public health laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Edwards of Caldwell, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Edwards of Caldwell, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS AND RESOLUTONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hardison and Warren:

S. B. 568, a bill to appropriate funds for a vacation and travel guide for disabled persons.
Referred to **Appropriations Committee.**

By Senator Jenkins:

S. B. 569, a bill to provide that the right to file or claim certain statutory liens on real property may not be waived and to create a statutory trust for subcontractors and material suppliers.
Referred to **Judiciary III Committee.**

By Senators Walker, Alford, Allsbrook, Barnes of Wayne, Childers, Daniels, Davis, Duncan, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Ward, Warren, White, and Winner:

S. B. 570, a bill to authorize a review of the State's disability determination services.
Referred to **Human Resources Committee.**

By Senators Walker, Hancock, and Royall:

S. B. 571, a bill to clarify the definition of children with special needs.
Referred to **Human Resources Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 285, a bill relating to removal of unauthorized vehicles from private lots in Forsyth County, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, June 6.

H. B. 37 (Committee Substitute), a bill to recodify certain criminal statutes regarding jail confinements.
Referred to **Judiciary I Committee.**

H. B. 72, a bill to permit trustees of the Raeford Firemen's Relief Fund to pay firemen's contributions to the Firemen's and Rescue Squad Workers' Pension Fund.
Referred to **Pensions and Retirement Committee.**

H. B. 97, a bill to make cetain changes in the Rocky Mount Supplemental Retirement Fund for firemen.

Referred to **Pensions and Retirement Committee.**

H. B. 330, a bill to provide a supplemental retirement fund for firemen in the Town of Valdese, and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the Town of Valdese.

Referred to **Pensions and Retirement Committee.**

H. B. 343 (Committee Substitute), a bill to revise portions of Chapter 162 relating to sheriffs.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 497, a bill to amend Chapter 363 of the 1969 Session Laws concerning the Supplemental Retirement Fund for firemen in the City of Newton.

Referred to **Pensions and Retirement Committee.**

H. B. 588, a bill to amend Chapter 495 of the Session Laws of 1977 to clarify the effect of said act, which is a codification of the Charter of the City of Wilmington, on other acts.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 729, a bill to tax-shelter contributions to the Charlotte Firemen's Retirement System pursuant to Section 414(h)(2) of the Internal Revenue Code and thereby increase the take-home pay of employees of the Fire Department of the City of Charlotte.

Referred to **Pensions and Retirement Committee.**

H. B. 787 (Committee Substitute), a bill to authorize the use of commercial wastewater treatment operation firms.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 918 (Committee Substitute), a bill to make injuring law enforcement agency animals a felony.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from June 2, are taken up and disposed of as follows:

S. B. 420, a bill to require numbering of all vessels, for concurrence in House Amendment No. 1.

On motion of Senator Duncan, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S. B. 475 (Committee Substitute), a bill to clarify what information is sufficient to constitute "satisfactory proof of loss because of the death.".

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 508, a bill to clarify the State Treasurer's investment authority and to enhance the management of the Trust Fund Investment Program.

Without objection, the Chair orders the bill re-referred to the **Pensions and Retirement Committee.**

S. B. 511, a bill to authorize review by the Marine Fisheries Commission of proclamations issued by the Secretary of the North Carolina Department of Natural Resources and Community Development.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 525, a bill to allow areas closed for reasons of pollution by the Division of Marine Fisheries to be reopened more quickly.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 58 (Senate Committee Substitute), a bill to amend the Group Health Insurance Continuation and Conversion Privileges Law with regard to conversion policy rate filings.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 413 (Senate Committee Substitute No. 2), a bill to make amendments to the Equitable Distribution Act.

The Senate Committee Substitute bill No. 2 passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Senate Committee Substitute bill No. 2 remains on the Calendar for Tuesday, June 7.

H. J. R. 660, a joint resolution with respect to the work of the Commission on the Future of North Carolina.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 671, a bill to allow apprentice and registered cosmetologists from other states to be admitted to practice cosmetic art in North Carolina through reciprocity.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 865, a bill to authorize counties to regulate development in estuarine waters and public trust lands under navigable waters.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 979, a bill to provide authorization for general permits under the dredge and fill law and clarification of general permits under the Coastal Area Management Act.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. J. R. 1023, a joint resolution welcoming the National Judicial College to North Carolina and expressing support for the establishment of a permanent eastern location at Wake Forest University honoring the late Dean Weathers.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

S. B. 280 (Committee Substitute), a bill to amend and clarify the provisions of law relative to the North Carolina Public Employee Deferred Compensation Plan.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 307, a bill to amend the statute providing an annual fee for emergency planning for each fixed nuclear facility within the State of North Carolina to include such fee for any facility with a Plume Exposure Pathway Emergency Planning Zone which extends into this State.

On motion of Senator Tison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 323 (Committee Substitute), a bill regarding the method of execution in this State, as amended, with pending Amendment No. 2, upon third reading.

Without objection, Senator Staton withdraws pending Amendment No. 2.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded), and is ordered engrossed and sent to the House of Representatives.

S. B. 373, a bill to return to the pre-1981 exemptions from the enforcement of money judgments.

On motion of Senator Winner, consideration of the bill is postponed until Tuesday, June 7.

S. B. 472, a bill to extend thirty-year unreduced retirement benefits to teachers and State employees who retired prior to July 1, 1973, and who contributed to the Teachers' and State Employees' Retirement System for thirty or more years.

On motion of Senator Jenkins, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 513, a bill to establish unique and relevant education and training standards for sheriffs, their deputies, and other personnel.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Rand to its third reading, the bill, as amended, remains on the Calendar for further consideration.

H. B. 129 (Senate Committee Substitute), a bill to provide that the Division of Motor Vehicles may not issue a driver's license to a person whose license was cancelled in another jurisdiction.

On motion of Senator Soles, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 7.

H. B. 194 (Senate Committee Substitute), a bill to amend the power to confer law enforcement powers on special conservation officers.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 255 (Senate Committee Substitute), a bill to amend General Statutes Chapter 74C, the Private Protective Services Act, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright—43.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 580, a bill to amend the Charter of the City of Charlotte to provide for an alternative eminent domain procedure, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, nos 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright—44.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 651, a bill to amend the adoption statutes and related laws.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 663 (Committee Substitute), a bill to revise G. S. 47-30.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 742, a bill relating to the election of trustees of Smithville Township's J. Arthur Dosher Memorial Hospital.

The bill passes its second and third readings and is ordered enrolled.

H. B. 810, a bill to allow the Speaker of the House and the President of the Senate to authorize studies by standing committees and to create and appoint select committees of the General Assembly, and to make technical amendments.

Without objection, the Chair orders the bill placed on the Calendar for Wednesday, June 8.

H. B. 848, a bill to convert to fee simple certain ninety-nine year leases of the Town of Smithville or the City of Southport.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1034 (Committee Substitute), a bill to clarify the procedures used under the fair sentencing act when several crimes are consolidated for judgment.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 1, an act to provide safe roads by requiring mandatory jail terms for grossly aggravated drunken drivers, providing an effective deterrent to reduce the incidence of impaired driving, and clarifying the statutes related to drinking and driving. (Ch. 435)

S. B. 49 (House Committee Substitute), an act relating to the appointment of notaries public. (Ch. 427)

S. B. 239, an act to abolish the elective office of Mitchell County Accountant so as to allow the County Board of Commissioners to appoint a county finance officer under the general law. (Ch. 428)

S. B. 242, an act to amend the Greensboro Public School Code. (Ch. 429)

S. B. 261, an act to amend the Charter of the City of Wilmington to clarify the authority of city council to contract with non-city agencies. (Ch. 430)

S. B. 282, an act relating to motor vehicle traffic at the Greensboro–High Point Airport and for other purposes. (Ch. 431)

S. B. 290, an act regarding the authority of the City of Wilmington to require a certificate of appropriateness for exterior work to structures in an area designated as an historic district overlay. (Ch. 432)

S. B. 375, an act to provide a procedure for the filling of vacancies in elective office in the Town of China Grove. (Ch. 433)

S. B. 466, an act to repeal local legislation pertaining to dairy herds in Buncombe County. (Ch. 434)

H. B. 565 (Senate Committee Substitute), an act to amend G. S. 20-79.2 pertaining to transporter registration plates. (Ch. 426)

H. B. 579, an act to increase the minimum amount for construction contracts which require performance and payment bonds. (Ch. 422)

H. B. 607 (Committee Substitute), an act to prohibit hunting from roads and to prohibit deer hunting on the lands of another without the consent of the landowner in Wilson County. (Ch. 423)

H. B. 825, an act to add Duplin County to the list of counties that may use attachment and garnishment to collect fees for ambulance services. (Ch. 424)

H. B. 1001, an act to revise and consolidate the Charter of the Town of Ellenboro and to repeal prior local acts. (Ch. 425)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H. B. 198 (Senate Committee Substitute), a bill to exempt nonresident military dependents from driver's license requirements, with the information that the House has adopted the report of the conferees and shall order the bill enrolled.

On motion of Senator Lawing, seconded by Senator Johnson, the Senate adjourns to meet Monday at 7:00 P.M.

June 3, 1983

ONE HUNDRED-FOURTH DAY

SENATE CHAMBER,
Monday, June 6, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Father James Keenan of St. Joseph's Catholic Church, Raleigh, as follows:

"Heavenly Father, we ask Your blessing upon our State legislators tonight. Help them to seek Your wisdom as they proceed with their tasks. Help them to seek Your Son's courage as they come to decisions. Help them to seek Your Holy Spirit's truth in all they do. Mindful that their people at home have put their trust in their integrity, may self-interest never obscure their vision of the common good. Mindful that in a pluralistic society all cannot be satisfied with each item of legislation, may they pursue justice and not yield to human respect.

"Mindful that human nature is weak and needs law and legislation which is strong, may this Body be the strong defenders of the poor and the protectors of the down-trodden. May they be enlightened by Your ten commandments and serve our State of North Carolina with the courage of Elijah, and the wisdom of Daniel, and the love of community exemplified by Nehemiah. We ask this in the Name of Your Son, Our Lord Jesus Christ, Who lives with You and the Holy Spirit, One God, forever and ever. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President recognizes the following pages serving in the Senate this week: Bill Allen, Elkin; Lisa Ames, Fayetteville; Joe Clark, Raleigh; Tilden Collier, Kinston; Tracey Cunningham, Charlotte; Joe Davant, Charlotte; Jeffrey Deininger, Raleigh; Amy Edwards, Cary; Mary Elster, Winston-Salem; Rob Everette, Durham; Jessie Lee Hurley, Troy; Laura Jones, Franklin; Ernest Lawson, Ruffin; Brad Lee, Raleigh; Roger Morrison, Concord; Howard Perry, Raleigh; Sanford Pinion, Raleigh; Ripley Rand, Fayetteville; Doug Reigher, Cary; Jennifer Revis, Raleigh; Laura Smith, Concord; Daniele Taylor, Yanceyville; Bennett Wilder, Raleigh; and Shanel Williamson, Raleigh.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hancock for the **State Government Committee:**

S. B. 270, a bill to amend the Well Construction Act, G. S. 87-83 et seq., to provide for civil penalties and criminal penalties, with a favorable report.

H. B. 702, a bill to amend the North Carolina General Statutes creating the North Carolina Human Relations Council, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Daniels:

S. J. R. 572, a joint resolution memorializing the Congress to pass emergency legislation to open up the treacherous channel at Oregon Inlet.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Kincaid:

S. B. 573, a bill to limit to three years the requirement for a bond when a default judgment is taken pursuant to the Rules of Civil Procedure.
Referred to **Judiciary I Committee.**

By Senator Kincaid:

S. B. 574, a bill to index personal income tax rates and exemptions and the standard deduction to the consumer price index.
Referred to **Finance Committee.**

By Senators Thomas of Henderson, Edwards of Caldwell, Hipps, Swain, and Winner:

S. B. 575, a bill to appropriate funds for the North Carolina International Folk Festival.
Referred to **Appropriations Committee.**

By Senator Plyler:

S. B. 576, a bill to exempt all newspapers from sales tax.
Referred to **Finance Committee.**

By Senator Edwards of Caldwell:

S. B. 577, a bill to exempt certain limited partnership debt obligations from the application of the State's interest laws.
Referred to **Banking Committee.**

By Senator Rand:

S. B. 578, a bill to provide for competition in homeowners' insurance.
Referred to **Insurance Committee.**

By Senator Thomas of Craven:

S. B. 579, a bill to revise the lease provisions pertaining to cultivation of oysters and clams.
Referred to **Natural and Economic Resources and Wildlife Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1052, a joint resolution honoring the life and memory of Thomas James Baker, a former member of the General Assembly.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 386, a bill amending the Charter of the City of Durham, for concurrence in House Amendment No. 1.

On motion of Senator Royall, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 403, a bill to rewrite Article 15 of Chapter 54 of the General Statutes pertaining to corporate credit unions, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 7.

H. B. 76, a bill to amend the law relating to the Kannapolis Firemen's Supplemental Retirement Fund.

Referred to **Pensions and Retirement Committee.**

H. B. 122 (Committee Substitute), a bill to amend G. S. 20-108 to provide for seizure and disposition of motor vehicles or component parts which do not carry identifying numbers or carry altered, changed or obliterated numbers.

Referred to **Ways and Means/Transportation Committee.**

H. B. 237, a bill to allow a rescue squad worker eligible for membership in the North Carolina Firemen's and Rescue Squad Worker's Pension Fund to purchase as many as two hundred and forty months of prior service, on or before December 31, 1983.

Referred to **Pensions and Retirement Committee.**

H. B. 366, a bill to provide a Supplemental Retirement Fund for firemen in the City of New Bern and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the City of New Bern.

Referred to **Pensions and Retirement Committee.**

H. B. 513 (Committee Substitute), a bill to clarify the filing of a notice of appeal in all appeals taken from decisions or orders of the Utilities Commission.

Referred to **Judiciary II Committee.**

H. B. 559 (Committee Substitute), a bill to prohibit the use of landfilling for certain classes of hazardous wastes and other solid wastes.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 586, a bill to amend Chapter 26 of the Private Laws of 1937, As Amended, to provide that the Firemen's Pension Fund of Wilmington shall be administered by the Pension Board of the City of Wilmington.

Referred to **Pensions and Retirement Committee.**

H. B. 587, a bill to provide a Firemen's Benefit Fund for firemen in the City of Wilmington and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the City of Wilmington.

Referred to **Pensions and Retirement Committee.**

H. J. R. 621 (Committee Substitute), a joint resolution encouraging local boards of education to schedule teacher workdays within ten days of election day on election day.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 624, a bill to repeal local legislation regarding deer hunting in Stokes County.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 774, a bill regarding probation revocation in a county other than the county of original conviction.

Referred to **Judiciary III Committee.**

H. B. 947 (Committee Substitute), a bill concerning the harboring of individuals known to be the subject of outstanding warrants for arrest.

Referred to **Judiciary II Committee.**

H. B. 954, a bill to regulate purchase of Mutual Burial Associations.

Referred to **Human Resources Committee.**

H. B. 1108, a bill to amend G. S. 97-28 to permit use of leave during the first seven days of disability under the Worker's Compensation Act.

Referred to **Manufacturing, Labor and Commerce Committee.**

H. B. 1117, a bill to amend the North Carolina Securities Act.

Referred to **Banking Committee.**

H. B. 1140, a bill to permit taking striped bass from the Tar River with bow nets and dip nets under certain conditions.

Referred to **Natural and Economic Resources and Wildlife Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 285, a bill relating to removal of unauthorized vehicles from private lots in Forsyth County, for concurrence in House Amendment No. 1.

On motion of Senator Ward, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. J. R. 445 (Committee Substitute), a joint resolution requesting the Legislative Research Commission to study the procedure for incorporating municipalities.

The Committee Substitute joint resolution passes its second reading (electronically recorded).

Senator Allsbrook moves that the vote by which the Committee Substitute joint resolution passed its second reading be reconsidered, which motion prevails (electronically recorded).

After further debate, the Committee Substitute joint resolution passes its second reading (electronically recorded).

On objection of Senator Allsbrook to its third reading, the Committee Substitute joint resolution remains on the Calendar for further consideration.

S. B. 495 (Committee Substitute), a bill to make interstate transfers of prisoners more open to public scrutiny.

Pursuant to Rule 42.1, Senator Hardison requests a fiscal note prepared, and the Committee Substitute bill is placed on the Calendar for Wednesday, June 8.

S. B. 513, a bill to establish unique and relevant education and training standards for sheriffs, their deputies, and other personnel, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 39, an act to amend Chapter 39 to further equalize between married persons the right to income, possession and control in property owned concurrently in tenancy by the entirety. (Ch. 449)

S. B. 177, an act to require that drivers' licenses and special identification cards be color-coded according to age. (Ch. 443)

S. B. 268, an act to amend Chapter 143 of the General Statutes, Article 21, Part 8, so as to make flood control projects and all local water-based recreation projects eligible for cost-sharing. (Ch. 450)

S. B. 321, an act to make appropriate punishment classifications for conspiracies to commit felonies. (Ch. 451)

S. B. 349, an act to amend the enabling act of the Greensboro–High Point Airport Authority. (Ch. 444)

S. B. 353, an act to revise and consolidate the Charter of the Town of Murfreesboro and to repeal prior local acts. (Ch. 445)

S. B. 364, an act to include two satellite areas within the corporate limits of the Town of Four Oaks. (Ch. 447)

S. B. 420, an act to require numbering of all vessels. (Ch. 446)

S. B. 432, an act to prohibit bear hunting with dogs in Pamlico County. (Ch. 448)

S. B. 474, an act to change the composition of the Committee on Employee Hospital and Medical Benefits. (Ch. 452)

H. B. 198 (Senate Committee Substitute), an act to exempt nonresident military dependents from driver's license requirements. (Ch. 436)

H. B. 580, an act to amend the Charter of the City of Charlotte to provide for an alternative eminent domain procedure. (Ch. 437)

H. B. 651, an act to amend the adoption statutes and related laws. (Ch. 454)

H. J. R. 660, a joint resolution with respect to the work of the Commission on the Future of North Carolina. (Res. 24)

H. B. 671, an act to allow apprentice and registered cosmetologists from other states to be admitted to practice cosmetic art in North Carolina through reciprocity. (Ch. 438)

H. B. 742, an act relating to the election of trustees of Smithville Township's J. Arthur Dosher Memorial Hospital. (Ch. 439)

H. B. 848, an act to convert to fee simple certain ninety-nine year leases of the Town of Smithville or the City of Southport. (Ch. 440)

H. B. 865, an act to authorize counties to regulate development in estuarine waters and public trust lands under navigable waters. (Ch. 441)

H. B. 979, an act to provide authorization for general permits under the dredge and fill law and clarification of general permits under the Coastal Area Management Act. (Ch. 442)

H. J. R. 1023, a joint resolution welcoming the National Judicial College to North Carolina and expressing support for the establishment of a permanent eastern location at Wake Forest University honoring the late Dean Weathers. (Res. 25)

H. B. 1034 (Committee Substitute), an act to clarify the procedures used under the fair sentencing act when several crimes are consolidated for judgment. (Ch. 453)

On motion of Senator Lawing, seconded by Senator Daniels, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED-FIFTH DAY

SENATE CHAMBER,
Tuesday, June 7, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend W. W. Olney, Presbyterian Campus Minister, North Carolina State University, Raleigh, as follows:

"Lord, humbly and hoping for Your patience and mercy, we invoke Your blessings upon the men and women gathered in this Chamber. They have placed themselves here to be servants of the common good; to search for ways by which all the people of our beloved State might best be served by its laws and institutions; to provide we who are the citizens of North Carolina with safety, prosperity, justice, and honor. It is a difficult task that they are called upon to accomplish. Some of the problems which beset our State and nation seem beyond human resolution — balancing the needs of the poor as well as the rich; seeking the rights of the weak as well as the strong; providing justice for the laborer as well as the owner; protecting your land and environment from abuse as well as providing jobs through industry for our people. In the face of such a complicated task we ask You to exert, in Your own mysterious way, guidance to each gathered here that they might

faithfully serve Your will. We confess our frailty before You, Lord, our inclination to do, at times, what is expedient and self serving. Be merciful to all gathered here — encourage the disheartened, strengthen the weary, give courage to the wavering, help all who seek to know Your will to be shown it — that what transpires in this Assembly might be acceptable in Your sight. And it is in Your Name, You Who sit above us all that we make this prayer. Amen"

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and its stands approved as written.

The President grants a leave of absence to Senator Wright for today.

RE-REFERRAL

H. J. R. 1154, a joint resolution providing for a Joint Session of the House of Representatives and the Senate to act on confirmation of appointments made by the Governor to the State Personnel Commission.

On motion of Senator Lawing, the joint resolution and the letter of the Governor making an appointment to the Personnel Commission are taken from the **Rules and Operation of the Senate Committee** and re-referred to the **State Government Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 17, a bill to provide that members of Nursing Home Community Advisory Committee Members may be defended pursuant to Chapter 143 of the General Statutes, with an unfavorable report.

By Senator Soles for the **Judiciary II Committee:**

S. B. 433, a bill to provide that the guardian ad litem appointed for a juvenile alleged abused or neglected may petition for termination of parental rights, with a favorable report, as amended.

S. B. 553, a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as registered practicing counselors: creating a State board of examiners for practicing counselors: defining the functions and duties of that board: and providing for penalties, with a favorable report.

On motion of Senator Soles, the bill is re-referrd to the **Finance Committee.**

H. B. 932, a bill to provide court-ordered parent participation in treatment in certain juvenile cases, with a favorable report.

H. B. 1042, a bill to validate certain foreclosure sales, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 1042,** (Senate Committee Substitute), a bill to validate certain foreclosure and legal advertisement sales, is placed

before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 9.

H. B. 1092, a bill to provide a good samaritan statute for rural fire departments, with a favorable report.

By Senator Rand for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

S. B. 550, a bill to include a woman law enforcement officer on the Criminal Justice Education and Training Standards Commission, with a favorable report.

H. B. 838, a bill to add nonviolent offenders in the twenty-one to twenty-four age group to the committed youthful offender law, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee:**

S. B. 244 (Committee Substitute), a bill to change the name of the governing body of the Monroe City School Administrative Unit and to provide that the Monroe City and Union County School Administrative Units may not be merged without a countywide referendum, with a favorable report.

H. B. 847, a bill authorizing the Town of Holden Beach to assess for beach accessways, with a favorable report.

H. B. 874, a bill to allow the City of Durham to comply with minimum minority and/or women's business enterprise participation requirements, with a favorable report.

H. B. 884 (Committee Substitute), a bill to change the name of the governing body of the Monroe City School Administrative Unit and to provide that the Monroe City and Union County School Administrative Units may not be merged without a countywide referendum, with a favorable report.

H. B. 1081, a bill to empower Lenoir Memorial Hospital, Craven County Hospital Corporation, and Stokes-Reynolds Memorial Hospital to use attachment and garnishment procedures for collecting unpaid bills, with a favorable report.

On motion of Senator Marion, the bill is re-referred to the **Ways and Means Committee.**

By Senator Daniels for the **Ways and Means/Small Business Committee:**

H. B. 1126, a bill to exempt the Western North Carolina Agricultural Center from G. S. 66-58, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Harrington:

S. B. 580, a bill to permit certain dogs in inns and hotels.

Referrred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Allred:

S. B. 581, a bill to provide that companies writing automobile insurance shall provide the insured with an identification card at policy renewal and that automobile insurance surcharges may only be imposed after final convictions.

Referred to **Insurance Committee.**

By Senators Marion and Duncan:

S. B. 582, a bill to appropriate funds to pay damages arising out of a certain accident.

Referred to **Appropriations Committee.**

By Senators Hardison and Warren:

S. B. 583, a bill to authorize local governments to implement and comply with minority or women's business enterprise requirements for locally funded projects as recommended by the General Statutes Commission.

Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 408 (House Committee Substitute No. 2), a bill to amend the law governing plumbing and heating contractors to redefine "heating, group number three" and "contractor," for concurrence in the House Committee Substitute bill No. 2.

Referred to **Manufacturing, Labor and Commerce Committee.**

H. B. 60 (Committee Substitute), a bill to clarify the law concerning underinsured motorist coverage.

Referred to **Insurance Committee.**

H. B. 603, a bill to amend Chapter 55 of the Private Laws of 1915, As Amended, to provide that the Police Pension Fund of Wilmington shall be administered by the Pension Board of the City of Wilmington.

Referred to **Pensions and Retirement Committee.**

H. B. 913, a bill to provide that when a district court judge transfers a juvenile felony case to superior court, the superior court has jurisdiction over that felony, any related offense, and any greater or lesser included offense of that felony.

Referred to **Judiciary II Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(The Chair declares the voting equipment inoperative.)

S. B. 270, a bill to amend the Well Construction Act, G. S. 87-83 et seq., to provide for civil penalties and criminal penalties.

On motion of Senator Hardison, the bill is re-referred to the **Natural and Economic Resources and Wildlife Committee.**

S. B. 298 (Committee Substitute), a bill to allow issuance of fictitious drivers' licenses and registration plates for alcohol law enforcement agents and Division of Motor Vehicles law enforcement personnel, with pending Amendment No. 1, upon third reading.

Without objection, pending Amendment No. 1 offered by Senator Swain is withdrawn.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 373, a bill to return to the pre-1981 exemptions from the enforcement of money judgments.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading.

On objection of Senator Thomas of Henderson to its third reading, the bill, as amended, remains on the Calendar for further consideration.

S. B. 403, a bill to rewrite Article 15 of Chapter 54 of the General Statutes pertaining to corporate credit unions, for concurrence in House Amendment No. 1.

On motion of Senator Edwards of Caldwell, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. J. R. 445 (Committee Substitute), a joint resolution requesting the Legislative Research Commission to study the procedure for incorporating municipalities, upon third reading.

On motion of Senator Royall, the joint resolution is re-referred to the **Appropriations Committee.**

S. B. 451 (Committee Substitute No. 2), a bill to define the cost and method of extending credit on merchants revolving charge accounts, upon third reading.

The Committee Sustitute bill No. 2 passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 129 (Senate Committee Substitute), a bill to provide that the Division of Motor Vehicles may not issue a driver's license to a person whose license was cancelled in another jurisdiction.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 413 (Senate Committee Substitute No. 2), a bill to make amendments to the Equitable Distribution Act, upon third reading.

Senator Winner offers Amendment No. 1 which is adopted.

The Senate Committee Substitute bill No. 2, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

H. B. 702, a bill to amend the North Carolina General Statutes creating the North Carolina Human Relations Council.

The bill passes its second and third readings and is ordered enrolled.

H. B. 978 (Committee Substitute), a bill to amend G. S. 24-10 concerning fees on second mortgages.

Without objection, the following are excused from voting for the stated reasons:

Senator Barnes of Forsyth: "I'm a banker."

Senator Tison: "Conflict of interest."

The Committee Substitute bill passes its second reading.

On motion of Senator Edwards of Caldwell, further consideration of the Committee Substitute bill is postponed until Wednesday, June 15.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 285, an act relating to removal of unauthorized vehicles from private lots in Forsyth County. (Ch. 459)

S. B. 386, an act amending the Charter of the City of Durham. (Ch. 458)

H. B. 817, an act regarding escapes from local confinement facilities. (Ch. 455)

H. B. 850, an act to allow sale of historic properties by cities and counties. (Ch. 456)

H. B. 893, an act amending the eligibility requirements for ABC store and mixed beverage elections and the authorization of special occasion and limited special occasion permits. (Ch. 457)

H. J. R. 1052, a joint resolution honoring the life and memory of Thomas James Baker, a former member of the General Assembly. (Res. 26)

On motion of Senator Lawing, seconded by Senator Woodard, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED-SIXTH DAY

SENATE CHAMBER,
Wednesday, June 8, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable Charles W. Hipps, Senator from Haywood County.

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator White for today and to Senator Jordan for tomorrow and Friday, June 9 and 10.

Senator White is noted present for a portion of today's Session.

ELECTION TO THE STATE BOARD OF COMMUNITY COLLEGES

Senator Tally for the **Higher Education Committee** submits the following report:

The Senate Committee on Higher Education met and considered nominations for membership on the State Board of Community Colleges. Pursuant to G. S. 115D-2.1(b)(4)f, the Committee submits the names of Mr. Lynn Kelso of New Bern and Mr. Howard Boudreau of Fayetteville as nominees for a position on the Board, the term of which to begin July 1, 1983 and expire June 30, 1989. We find both candidates meet the prerequisites established by Chapter 311 of the 1983 Session Laws.

Pursuant to Chapter 311 of the 1983 Session Laws, the Chair declares the floor closed to further nominations.

Receiving a majority vote, Mr. Lynn Kelso is nominated by the Senate (electronically recorded).

On motion of Senator Tally, seconded by Senator Thomas of Craven, Mr. Lynn Kelso is elected to the State Board of Community Colleges for a term beginning July 1, 1983, and expiring June 30, 1989, by the following electronic vote:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The President orders a Special Message sent to the House of Representatives informing that Honorable Body of such action.

RE-REFERRALS

H. B. 1087, a bill to empower certain named hospitals to use attachment and garnishment procedures for collecting unpaid bills.

On motion of Senator Guy the bill is taken from the **Public Utilities and Energy Committee** and re-referred to the **Ways and Means Committee.**

H. B. 1093, a bill to ensure that new auto buyer have adequate remedies against auto manufacturers.

On motion of Senator Barnes of Wayne the bill is taken from the **Ways and Means/ Transportation Committee** and re-referred to the **Judiciary III Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Duncan for the **Finance Committee:**

S. B. 230, a bill to establish the Buncombe School Capital Fund Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 230** (Committee Substitute), a bill to amend the Buncombe School Capital Fund Commission Act, is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 10.

S. B. 238 (Committee Substitute), a bill to create the Private Protective Services Recovery Fund, with a favorable report.

S. B. 553, a bill setting standards for qualification, training and experience for persons

seeking to represent themselves to the public as registered practicing counselors: creating a State board of examiners for practicing counselors: defining the functions and duties of that board: and providing for penalties, with a favorable report, as amended.

S. B. 565, a bill to authorize the Department of Transportation to permit encroachment of airspace above Henry Street in the Town of Stoneville for construction of a bridge, with a favorable report.

S. B. 566, a bill to grant to gasohol a five cent partial exemption from the gasoline and special fuels tax, with a favorable report.

H. B. 123 (Committee Substitute), a bill to amend G. S. 20-309(e) relative to a lapse in insurance coverage on motor vehicles, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 123** (Senate Committee Substitute), a bill to amend G. S. 20-309(e) and G. S. 20-311 with respect to maintenance of continuous financial responsibility for motor vehicles, is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 10.

H. B. 186 (Committee Substitute No. 2), a bill to amend Chapter 110 of the General Statutes to establish procedures for the provision of nonrecipient services as required by federal law, with a favorable report.

H. B. 445 (Committee Substitute), a bill to require lighted headlamps on motor vehicles when the windshield wipers are on, with a favorable report.

H. B. 965 (Committee Substitute), a bill making technical amendments to the private placement exemption for securities offerings and allowing the Secretary of State to establish limited offering exemptions, with a favorable report.

H. B. 999, a bill to clarify the sales and use tax treatment of certain computer programs used by telephone companies, with a favorable report.

H. B. 1049, a bill to allow the cities and counties to levy property taxes for industrial development and economic development, with a favorable report.

By Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 83 (House Committee Substitute), a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as certified social workers: creating a State Board of Examiners for Social Workers: defining the functions and duties of that Board: and providing for penalties, with a favorable report, as to concurrence.

S. B. 335, a bill to add one member to the North Carolina Medical Care Commission, with an unfavorable report.

S. B. 570, a bill to authorize a review of the State's disability determination services, with a favorable report.

On motion of Senator Harris of Cleveland the bill is re-referred to the **Appropriations Committee.**

S. B. 571, a bill to clarify the definition of children with special needs, with a favorable report.

On motion of Senator Harris of Cleveland the bill is re-referred to the **Appropriations Committee.**

H. B. 551, a bill amending the County Hospital Act to authorize a county hospital to establish and operate branch facilities in other counties, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris of Cleveland, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris of Cleveland, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 10.

H. B. 690, a bill to provide for the return of patients to treatment facilities, with a favorable report.

H. B. 920 (Committee Substitute), a bill to authorize the Division of Mental Health, Mental Retardation and Substance Abuse Services to transfer patient or resident information to the Department of Correction, with a favorable report.

H. B. 1086, a bill to abolish the Board of Human Resources, with a favorable report.

By Senator Jenkins for the **Insurance Committee:**

S. B. 467, a bill to increase the educational requirements to qualify for licensure as a property and casualty agent, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Jenkins, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Jenkins, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 10.

By Senator Rand for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

H. B. 681, a bill to allow the Parole Commission to deny reentry parole to certain offenders, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 681** (Senate Committee Substitute), a bill to allow the Parole Commission to impose additional conditions of parole on fair sentence inmates, is placed before the Senate for immediate consideration.

On motion of Senator Rand, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 10.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

H. B. 222, a bill to expand the civil penalties for violations of the Coastal Area Management Act, with a favorable report.

H. B. 224 (Committee Substitute), a bill to permit all incorporated cities within the coastal area to nominate members of the Coastal Resources Commission, with a favorable report.

H. B. 443 (Committee Substitute), a bill to extinguish certain ancient mineral claims, with a favorable report.

H. B. 624, a bill to repeal local legislation regarding deer hunting in Stokes County, with a favorable report.

H. B. 787 (Committee Substitute), a bill to authorize the use of commercial wastewater treatment operation firms, with a favorable report.

H. B. 943 (Committee Substitute), a bill to prohibit the contamination or adulteration or other intentional tampering with the public water system, with a favorable report.

H. B. 994, a bill to permit the use of handguns in taking big game mammals, with a favorable report.

H. B. 1140, a bill to permit taking striped bass from the Tar River with bow nets and dip nets under certain conditions, with a favorable report.

By Senator Guy for the **Public Utilities and Energy Committee:**

H. B. 892 (Committee Substitute), a bill to amend G. S. 143B-450.1 to provide for provisional datagathering authority in the Energy Division of the Department of Commerce, with a favorable report, as amended.

H. B. 942, a bill relating to municipalities and procedures for the operation and financing of joint municipal power agencies, with a favorable report, as amended.

On motion of Senator Guy, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Rauch, the bill, as amended, is re-referred to the **Finance Committee.**

H. B. 989, a bill to make unlawful the unauthorized reconnection of a lawfully disconnected utility, with a favorable report.

By Senator Royall for Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. B. 36, a bill to provide for four-year terms for members of the University of North Carolina Board of Governors, with a favorable report, as amended.

S. J. R. 546, a joint resolution to authorize the Legislative Research Commission to study North Carolina's school pupil transportation program, with a favorable report.

On motion of Senator Royall, the joint resolution is re-referred to the **Appropriations Committee.**

S. J. R. 562, a joint resolution honoring the life and memory of Fate James Beal, with a favorable report.

S. J. R. 563, a joint resolution honoring the life and memory of Marion D. Thorpe, with a favorable report.

H. B. 631, a bill relating to the granting of special use permits, conditional use permits and other matters in Mecklenburg County and the City of Charlotte, with a favorable report.

H. J. R. 1083, a joint resolution authorizing the Legislative Research Commission to continue its study of State Government Risk Management, with a favorable report.

On motion of Senator Royall, the joint resolution is re-referred to the **Appropriations Committee.**

By Senator Staton for the **State Government Committee:**

H. J. R. 1154, a joint resolution providing for a Joint Session of the House of Representatives and the Senate to act on confirmation of appointments made by the Governor to the State Personnel Commission, with a favorable report.

By Senator Staton for the **State Government/Election Laws Committee:**

H. B. 997, a bill to provide a method for filling vacancies on the Washington County Board of Education, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Daniels:

S. J. R. 584, a joint resolution calling upon the Speaker of the House of Representatives and the President of the Senate to appoint a legislative delegation to attend ceremonies in Great Britain celebrating the Four Hundredth Anniversary of the Roanoke Voyages.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Jordan:

S. J. R. 585, a joint resolution recognizing and clarifying the policy of this State to afford the opportunity for mentally and developmentally disabled persons for adequate community support services.

Referred to **Human Resources Committee.**

By Senators Thomas of Henderson and Hipps:

S. J. R. 586, a joint resolution honoring Lee Burrus Nichols, a former member of the General Assembly.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Allred:

S. B. 587, a bill prohibiting contests involving firearms on or near an ABC permit holder's premises.

Referred to **Judiciary I Committee.**

By Senators Martin, Barnes of Forsyth, Childers, Gray, Marvin, Redman, Staton, and Winner:

S. B. 588, a bill to allow State agencies to recruit, train, register, and accept volunteers for State service.

Referred to **State Government Committee.**

By Senators Gray, Alford, Allsbrook, Ballenger, Barnes of Forsyth, Daniels, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Johnson, Jordan, Marvin, Parnell,

Plyler, Rand, Rauch, Redman, Speed, Swain, Tally, Thomas of Craven, Walker, Ward, White, and Woodard:

S. J. R. 589, a joint resolution urging the United States Department of Defense to cooperate with State and local officials to provide coastal surveillance to aid in drug law enforcement.

Referred to **Rules and Operation of the Senate Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 107 (Committee Substitute), a bill regarding visitation rights of nonparents to minor children.

Referred to **Judiciary III Committee.**

H. B. 456, a bill to reinstate portions of the previous provisions of law regarding the treatment of reemployed retirees in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee.**

H. B. 502 (Committee Substitute), a bill to amend G. S. 105-275 concerning exclusions from the property tax base for pollution control purposes.

Referred to **Finance Committee.**

H. B. 633 (Committee Substitute), a bill to extend to persons in the Motor Vehicle Reinsurance Facility the benefits of downward rate deviations that are filed by their ceding insurers.

Referred to **Insurance Committee.**

H. B. 767 (Committee Substitute), a bill to amend G. S. 90-108 to prohibit embezzlement of controlled substances by employees of practitioners and registrants, and to prohibit "doctor shopping" as a means of fraudulently obtaining controlled substances from practitioners.

Referred to **Judiciary II Committee.**

H. B. 1147, a bill to increase the value of work that may be done without a building permit for small jobs.

Referred to **Banking Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 373, a bill to return to the pre-1981 exemptions from the enforcement of money judgments, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 433, a bill to provide that the guardian *ad litem* appointed for a juvenile alleged abused or neglected may petition for termination of parental rights.

On motion of Senator Hancock, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 495 (Committee Substitute), a bill to make interstate transfers of prisoners more open to public scrutiny.

On motion of Senator Hipps, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S. B. 550, a bill to include a woman law enforcement officer on the Criminal Justice Education and Training Standards Commission.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 810, a bill to allow the Speaker of the House and the President of the Senate to authorize studies by standing committees and to create and appoint select committees of the General Assembly, and to make technical amendments.

On motion of Senator Royall, Committee Amendment No. 1 is adopted, changing the title upon concurrence, to read, **H. B. 810,** a bill to allow the Speaker of the House and the President of the Senate to authorize studies by standing committees and to create and appoint select committees of the General Assembly.

On motion of Senator Royall, the bill, as amended, is recommitted to the **Rules and Operation of the Senate Committee.**

H. B. 838, a bill to add nonviolent offenders in the twenty-one to twenty-four age group to the committed youthful offender law.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 847, a bill authorizing the Town of Holden Beach to assess for beach accessways, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 874, a bill to allow the City of Durham to comply with minimum minority and/or women's business enterprise participation requirements.

The bill passes its second and third readings and is ordered enrolled.

H. B. 884 (Committee Substitute), a bill to change the name of the governing body of the Monroe City School Administrative Unit and to provide that the Monroe City and Union County School Administrative Units may not be merged without a countywide referendum.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S. B. 244 (Committee Substitute), a bill to change the name of the governing body of the Monroe City School Administrative Unit and to provide that the Monroe City and Union County School Administrative Units may not be merged without a countywide referendum.

On motion of Senator Plyler, duly seconded, the Committee Substitute bill is postponed indefinitely.

H. B. 932, a bill to provide court-ordered parent participation in treatment in certain juvenile cases.

The bill passes its second reading (electronically recorded).

On motion of Senator Soles, the bill is re-referred to the **Appropriations Committee.**

H. B. 1092, a bill to provide a good Samaritan statute for rural fire departments.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

Senator Kincaid offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1 and 2.

H. B. 1126, a bill to exempt the Western North Carolina Agricultural Center from G. S. 66-58.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the secretary of State:

S. B. 74, an act to amend the requirements for receipt of service and disability retirement benefits from the Durham Firemen's Supplemental Retirement System. (Ch. 463)

S. B. 140 (Committee Substitute), an act to increase the amont that can be received in benefits from the Lexington Firemen's Supplemental Retirement Fund. (Ch. 462)

S. B. 160, an act to amend the Winston-Salem Firemen's Retirement Fund Association. (Ch. 464)

S. B. 235, an act to reinstate the felony charge and punishment for second escapes and to clarify a youthful offender escape provision. (Ch. 465)

S. B. 248, an act to amend Chapter 899 of the Session Laws of 1953 relating to investments and monthly benefits under the Greensboro Firemen's Supplemental Retirement System. (Ch. 466)

S. B. 277, an act to change the waiting period for retirement refunds in the Local Governmental Employees' Retirement System, Teachers' and State Employees' Retirement System, and Uniform Judicial Retirement System. (Ch. 467)

S. B. 293, an act to amend the laws governing the Law Enforcement Officers' Benefit and Retirement Fund so as to receive a favorable determination as a qualified trust by the Internal Revenue Service and to then cause a tax sheltering from current income of members' contributions. (Ch. 468)

S. B. 294 (Committee Substitute), an act to tax shelter from current income the contributions of members paid to the Uniform Judicial, Solicitorial and Clerks of Superior Court Retirement Systems by conforming State law to the requirements of Section 414(h) of the United States Internal Revenue Code. (Ch. 469)

S. B. 403, an act to rewrite Article 15 of Chapter 54 of the General Statutes pertaining to corporate credit unions. (Ch. 470)

S. B. 434, an act regarding confidential communications between physician and patient. (Ch. 471)

S. B. 443, an act to extend for two years the time for compliance by insurers with the law regarding the amount of capital and/or surplus required for the formation and organization of companies. (Ch. 472)

H. B. 700, an act to allow the State to take a voluntary dismissal with leave when a defendant is found incapable of proceeding. (Ch. 460)

H. B. 702, an act to amend the North Carolina General Statutes creating the North Carolina Human Relations Council. (Ch. 461)

On motion of Senator Lawing, seconded by Senator Johnson, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED-SEVENTH DAY

SENATE CHAMBER,
Thursday, June 9, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend J. David Wiseman, Minister of Cary Presbyterian Church, Cary, as follows:

"God of grace and God of glory, who governs all creation with compassion and justice and has made us in Your image to do the same, we give thanks for this land and for this State, not because they are perfect but because they are ours to till and tend and bring forth the harvest of Your love in these times. Be present with each deliberation and decision made this day. When tensions mount and tempers flare, preserve personal integrity, respect for one another, and a healthy dose of humor. Remind each legislator that he, that she, serves the public trust which stretches far beyond any personal gain or glory.

"Help us all know that no state or nation ever stands alone but stands within a broader global picture. Therefore, grant us a contagious zeal for peace and a commitment to the well-being of all people throughout the world. 'God of grace and God of glory, grant us wisdom, grant us courage for the facing of this hour, for the facing of this hour.' Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Marion for today and to Senators Marion and Edwards of Guilford for tomorrow, June 10.

A leave of absence granted previously to Senator Jordan is noted.

The President grants courtesies of the gallery to Mr. Odell Williamson, former Representative from Brunswick County, and courtesies of the floor to Mr. Philip R. Whitley, former Representative from Wake County.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
June 8, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has elected Mr. Robert Z. Hawkins for a six-year term to the Board of Community Colleges, and Mr. William S. Murdoch for a four-year term to the Board of Community Colleges.

Respectfully,
S/ GRACE A. COLLINS
Principal Clerk

RECONSIDERATION

H. B. 838, a bill to add nonviolent offenders in the twenty-one to twenty-four age group to the committed youthful offender law.

On motion of Senator Rand, the bill is recalled from the Enrolling Office.

Senator Rand moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

Senator Rand offers Amendment No. 1, which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 78, a bill to amend the North Carolina Consumer Finance Act, with an unfavorable report.

S. B. 228, a bill to regain the State's authority over interest laws, with an unfavorable report.

By Senator Speed for the **Education Committee:**

S. B. 515, a bill to authorize voluntary payroll deductions for professional association membership dues, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

By Senator Harris of Cleveland for the **Human Resources Committee:**

H. B. 583 (Committee Substitute), a bill to provide time to study the need for new intermediate care facility beds for the mentally retarded, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris of Cleveland, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris of Cleveland, the Senate Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 407, a bill to require appellate counsel for indigent noncapital criminal defendant to make certain certifications in order to be paid for appeal, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 407,** a bill to require appellate counsel for indigent noncapital criminal defendants to make certain certifications with respect to appeals, is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 13.

H. B. 554, a bill pertaining to insurance and regulation of hazardous waste landfill facilities, with a favorable report, as amended.

By Senator Soles for the **Judiciary II Committee:**

S. B. 341, a bill to phase in a statewide guardian *ad litem* program for child abuse and neglect cases, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

H. B. 345 (Committee Substitute No. 2), a bill to allow water and sewer authorities to defend officers, employees, and governing board members and pay any or all of a claim made or civil judgment entered against any of them, with a favorable report.

On motion of Senator Soles, the Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, June 14.

H. B. 493, a bill to implement the constitutional amendment regarding appeal of Utilities Commission orders, with a favorable report.

On motion of Senator Soles, the bill is placed on the Calendar for Tuesday, June 14.

H. B. 744 (Committee Substitute), a bill to amend G. S. 14-320.1 to recognize child custody orders issued in other states, with a favorable report, as amended.

On motion of Senator Soles, the Committee Substitute bill ia placed on the Calendar for Tuesday, June 14.

H. B. 791 (Committee Substitute), a bill to permit enforcement of child support and custody judgments while on appeal, with a favorable report.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Tuesday, June 14.

H. B. 913, a bill to provide that when a district court judge transfers a juvenile felony case to superior court, the superior court has jurisdiction over that felony, any related offense, and any greater or lesser included offense of that felony, with a favorable report.

On motion of Senator Soles, the bill is placed on the Calender for Tuesday, June 14.

H. B. 947 (Committee Substitute), a bill concerning the harboring of individuals known to be the subject of outstanding warrants for arrest, with a favorable report, as amended.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Tuesday, June 14.

H. B. 1062, a bill to provide that the fact that a person owns ten percent or less of the stock of a corporation or has a ten percent or less ownership in any other business entity or is an employee of a corporation or other business entity does not violate the Director of Public Trust statutes, with a favorable report.

On motion of Senator Soles, the bill is placed on the Calendar for Tuesday, June 14.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

H. B. 949, a bill to amend G. S. 14-269.1 concerning disposition of deadly weapons, with a favorable report.

H. B. 1066, a bill to correct obsolete references in the Termination of Parental Rights Law, with a favorable report.

H. B. 1077, a bill to set forth the procedure to suppress a prior conviction obtained in violation of the right to counsel, with a favorable report.

By Senator Childers for the **Manufacturing, Labor and Commerce Committee:**

S. B. 544, a bill to exempt certain religious, nonprofit conference centers from the coverage of the wage and hour laws, with a favorable report.

By Senator Plyler for the **Pensions and Retirement Committee:**

S. B. 142, a bill permitting a member of the North Carolina Governmental Employees' Retirement System or the Teachers' and State Employees' Retirement System to retire with full benefits after completing twenty-seven years' service with the System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 142** (Committee Substitute), a bill permitting a member of the North Carolina Law Enforcement Officers' Benefit Retirement Fund or the Teachers' and State Employees' Retirement System to retire with full benefits after completing twenty-eight years' service with the system, is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

S. B. 457, a bill to provide retirement benefits to permanent part-time State employees in the Teachers' and State Employees' Retirement System and to permit purchase of prior permanent part-time service, with a favorable report, as amended.

On motion of Senator Plyler, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S. B. 508, a bill to clarify the State Treasurer's investment authority and to enhance the management of the Trust Fund Investment Program, with a favorable report.

H. B. 72, a bill to permit trustees of the Raeford Firemen's Relief Fund to pay firemen's contributions to the Firemen's and Rescue Squad Workers' Pension Fund, with a favorable report.

H. B. 76, a bill to amend the law relating to the Kannapolis Firemen's Supplemental Retirement Fund, with a favorable report.

H. B. 97, a bill to make certain changes in the Rocky Mount Supplemental Retirement Fund for firemen, with a favorable report.

H. B. 156, a bill to restore language requiring licensing boards and associations to pay for health insurance benefits, with a favorable report.

H. B. 237, a bill to allow a rescue squad worker eligible for membership in the North Carolina Firemen's and Rescue Squad Worker's Pension Fund to purchase as many as two hundred and forty months of prior service, on or before December 31, 1983, with a favorable report.

H. B. 330, a bill to provide a supplemental retirement fund for firemen in the Town of Valdese, and to modify the application of G. S. 118-5, G. S. 118-6, G. S. 118-7 to the Town of Valdese, with a favorable report.

H. B. 497, a bill to amend Chapter 363 of the 1969 Session Laws concerning the Supplemental Retirement Fund for firemen in the City of Newton, with a favorable report.

H. B. 586, a bill to amend Chapter 26 of the Private Laws of 1937, As Amended, to provide that the Firemen's Pension Fund of Wilmington shall be administered by the Pension Board of the City of Wilmington, with a favorable report.

H. B. 587, a bill to provide a Firemen's Benefit Fund for firemen in the City of Wilmington and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the City of Wilmington, with a favorable report.

H. B. 729, a bill to tax-shelter contributions to the Charlotte Firemen's Retirement System pursuant to Section 414(h)(2) of the Internal Revenue Code and thereby increase the take-home pay of employees of the Fire Department of the City of Charlotte, with a favorable report.

By Senator Staton for the **State Government Committee:**

S. B. 534, a bill to create the new technology jobs act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Jenkins and Harris of Cleveland:

S. B. 590, a bill to permit grant of certificates of need for certain new nursing home facilities.

Referred to **Human Resources Committee.**

By Senators Harris of Mecklenburg, Ballenger, Barnes of Wayne, Barnes of Forsyth, Hancock, Hipps, Johnson, Jordan, Kincaid, Marion, Rand, and Woodard:

S. J. R. 591, a joint resolution authorizing the Legislative Research Commission to study segregation of jail and prison inmates by age.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Marvin, Edwards of Caldwell, Gray, Hancock, Harris of Cleveland, Johnson, Tally, Walker, Ward, White, and Woodard:

S. B. 592, a bill to restore incentives for teachers to earn advanced degrees and thus become better teachers.

Referred to **Appropriations Committee.**

By Senators Warren, Alford, Ballenger, Guy, Hardison, Harris of Cleveland, Marion, Parnell, Rand, Rauch, Redman, Speed, White, and Winner:

S. B. 593, a bill to require all alcoholic beverages sold in this State to carry a warning of the hazards of drinking.

Referred to **Ways and Means/Transportation Committee.**

By Senator Warren:

S. B. 594, a bill appropriating funds for the Friendly Kenly Council.

Referred to **Appropriations Committee:**

By Senators Gray, Hardison, Jordan, Marvin, Plyler, Tally, and Ward:

S. B. 595, a bill to allow private peer review in domiciliary homes.

Referred to **Human Resources Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 318 (Committee Substitute), a bill to increase the punishment for child abuse so it more accurately reflects the seriousness of the crime, for concurrence in House Amendment No. 1.

Referred to **Judiciary III Committee.**

H. B. 230 (Committee Substitute), a bill to provide an income tax credit for certain real properties donated for conservation purposes.

Referred to **Finance Committee.**

H. B. 698, a bill to strengthen the prohibition against dangerous weapons at parades.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 776, a bill to make miscellaneous changes in local laws affecting Orange County.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 886 (Committee Substitute), a bill to provide for reasonable beach access within the Town of Emerald Isle.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 1214, a bill to allow a written waiver of appearance by defendants charged with hunting, fishing, or boating offenses.

Referred to **Judiciary II Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

(The President declares the voting equipment inoperative.)

S. B. 36, a bill to provide for four-year terms for members of the University of North Carolina Board of Governors.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 83 (House Committee Substitute), a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as certified social workers: creating a State Board of Examiners for Social Workers: defining the functions and duties of that Board: and providing for penalties, for concurrence in the House Committee Substitute bill.

On motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 238 (Committee Substitute), a bill to create the Private Protective Services Recovery Fund.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 470, a bill to clarify the law regarding corneal tissue removal.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 553, a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as registered practicing counselors: creating a State board of examiners for practicing counselors: defining the functions and duties of that board: and providing for penalties.

On motion of Senator Jenkins, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. J. R. 562, a joint resolution honoring the life and memory of Fate James Beal.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 563, a joint resolution honoring the life and memory of Marion D. Thorpe.

On motion of Senator Daniels, consideration of the joint resolution is postponed until Thursday, June 16.

S. B. 565, a bill to authorize the Department of Transportation to permit encroachment of airspace above Henry Street in the Town of Stoneville for construction of a bridge.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 566, a bill to grant to gasohol a five cent partial exemption from the gasoline and special fuels tax, upon second reading.

Senator Gray offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 186 (Committee Substitute No. 2), a bill to amend Chapter 110 of the General Statutes to establish procedures for the provision of nonrecipient services as required by federal law, as amended, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hunt, Jenkins, Johnson, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: Senators Barnes of Wayne, Hipps, and Thomas of Henderson—3.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 222, a bill to expand the civil penalties for violations of the Coastal Area Management Act.

June 9, 1983

The bill passes its second and third readings and is ordered enrolled.

H. B. 224 (Committee Substitute), a bill to permit all incorporated cities within the coastal area to nominate members of the Coastal Resources Commission.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 443 (Committee Substitute), a bill to extinguish certain ancient mineral claims, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 445, (Committee Substitute), a bill to require lighted headlamps on motor vehicles when the windshield wipers are on.

Senator Soles, seconded by Senator Plyler, offers a motion that the Committee Substitute bill do lie upon the table, which motion prevails. The Committee Substitute bill lies upon the table.

Senator Soles, seconded by Senator Plyler, offers a motion to reconsider the vote by which the motion to place the Committee Substitute bill upon the table prevailed and further moves that that motion do lie upon the table, which motion prevails.

H. B. 624, a bill to repeal local legislation regarding deer hunting in Stokes County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 631, a bill relating to the granting of special use permits, conditional use permits and other matters in Mecklenburg County and the City of Charlotte.

The bill passes its second and third readings and is ordered enrolled.

H. B. 690, a bill to provide for the return of patients to treatment facilities.

The bill passes its second reading.

Senator Barnes of Wayne requests to be recorded voting "no."

On objection of Senator Barnes of Wayne to its third reading, the bill remains on the Calendar for further consideration.

H. B. 787 (Committee Substitute), a bill to authorize the use of commercial wastewater treatment operation firms.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 847, a bill authorizing the Town of Holden Beach to assess for beach accessways, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford,

Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 892 (Committee Substitute), a bill to amend G. S. 143B-450.1 to provide for provisional datagathering authority in the Energy Division of the Department of Commerce.

On motion of Senator Hipps, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Hardison to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 920 (Committee Substitute), a bill to authorize the Division of Mental Health, Mental Retardation and Substance Abuse Services to transfer patient or resident information to the Department of Correction.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 943 (Committee Substitute), a bill to prohibit the contamination or adulteration or other intentional tampering with the public water system.

The Committee Substitute bill passes its second reading.

On motion of Senator Swain, further consideration of the Committee Substitute bill is postponed until tomorrow, June 10.

H. B. 965 (Committee Substitute), a bill making technical amendments to the private placement exemption for securities offerings and allowing the Secretary of State to establish limited offering exemptions, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 989, a bill to make unlawful the unauthorized reconnection of a lawfully disconnected utility.

The bill passes its second reading.

On objection of Senator Woodard to its third reading, the bill remains on the Calendar for further consideration.

H. B. 994, a bill to permit the use of handguns in taking big game mammals.

The bill passes its second and third readings and is ordered enrolled.

H. B. 997, a bill to provide a method for filling vacancies on the Washington County Board of Education.

Senator Daniels offers Amendment No. 1 which fails of adoption.

Senator Daniels offers Amendment No. 2 which fails of adoption.

The bill passes its second and third readings and is ordered enrolled.

H. B. 999, a bill to clarify the sales and use tax treatment of certain computer programs used by the telephone companies.

The bill passes its second and third readings.

Senator Rauch moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

Senator Rauch moves that the vote by which the bill passed its second reading be reconsidered which motion prevails.

The bill remains on the Calendar for tomorrow, June 10, for further consideration.

H. B. 1042 (Senate Committee Substitute), a bill to validate certain foreclosure and legal advertisement sales.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1049, a bill to allow cities and counties to levy property taxes for industrial development and economic development, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 1086, a bill to abolish the Board of Human Resources.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1140, a bill to permit taking striped bass from the Tar River with bow nets and dip nets under certain conditions.

On motion of Senator Alford, consideration of the bill is postponed until Monday, June 13.

H. J. R. 1154, a joint resolution providing for a Joint Session of the House of Representatives and the Senate to act on confirmation of appointments made by the Governor to the State Personnel Commission.

The joint resolution passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 366, an act to raise the maximum interest rate on loans from the State Literary Fund. (Ch. 477)

S. B. 413, an act to delete the requirement that county superintendents of schools be approved by the State Board of Education and the Superintendent of Public Instruction. (Ch. 478)

S. B. 421, an act to make technical changes to the community college laws. (Ch. 479)

S. B. 440, an act to allow the line for income tax checkoff to the North Carolina Election Campaign Fund to appear anywhere on the front face of the return. (Ch. 480)

S. B. 441, an act to remove the ceiling on the North Carolina Election Campaign Fund so as to allow all money designated by taxpayers to be used. (Ch. 481)

S. B. 494, an act to require uniform scale tickets for grain. (Ch. 482)

H. B. 663 (Committee Substitute), an act to revise G. S. 47-30. (Ch. 473)

H. B. 874, an act to allow the City of Durham to comply with minimum minority and/or women's business enterprise participation requirements. (Ch. 474)

H. B. 884 (Committee Substitute), an act to change the name of the governing body of the Monroe City School Administrative Unit and to provide that the Monroe City and Union County School Administrative Units may not be merged without a countywide referendum. (Ch. 475)

H. B. 1126, an act to exempt the Western North Carolina Agricultural Center from G. S. 66-58. (Ch. 476)

On motion of Senator Lawing, seconded by Senator Thomas of Craven, the Senate adjourns to meet tomorrow at 11:00 A.M.

ONE HUNDRED-EIGHTH DAY

SENATE CHAMBER,
Friday, June 10, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Roger Nix, Minister of Temple Baptist Church, Raleigh.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Duncan, Harris of Mecklenburg, Staton, Wright and Kincaid for today.

Leaves of absence granted previously to Senators Jordan, Marvin, and Edwards of Guilford are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee:**

S. B. 141 (Committee Substitute), a bill to rewrite the public health laws, with a favorable report.

S. B. 490, a bill to permit deduction of certain employee contributions to qualified retirement plans, with a favorable report.

H. B. 455 (Committee Substitute), a bill to establish uniform regular and special conditions of probation, with a favorable report, as amended.

H. B. 471, a bill to require a supervision fee of all persons placed on parole, with a favorable report.

H. B. 942, a bill relating to municipalities and procedures for the operation and financing of joint municipal power agencies, with a favorable report.

By Senator Harris of Cleveland for the **Human Resources Committee:**

H. B. 124 (Committee Substitute), a bill to expand the use of outpatient involuntary commitments for the mentally ill, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris of Cleveland, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris of Cleveland, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 14.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

H. B. 759 (Committee Substitute), a bill to specify a summons for termination of parental rights cases, to provide for an answer in such cases, and to specify who is to receive copies of termination of parental rights orders, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 14.

By Senator Daniels for the **Ways and Means/Small Business Committee:**

H. B. 731, a bill to authorize the Tyrrell County Board of Education to enter into certain contracts without complying with the provisions of Chapter 133 and of Article 8 of Chapter 143 of the General Statutes, with a favorable report.

The Chair orders the bill recommitted to the **Ways and Means/Small Business Committee** for further consideration.

H. B. 1116, a bill to require State agencies and political subdivisions to cooperate in efforts to promote the use of small, minority and women contractors in public construction and purchasing contracts, with a favorable report.

The Chair orders the bill recommitted to the **Ways and Means/Small Business Committee** for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators White, Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Jenkins, Jordan, Kincaid, Marion, Marvin, Parnell, Plyler, Rauch, Redman, Royall, Soles, Tally, Thomas of Henderson, Ward, and Warren:

S. B. 596, a bill to restrict the acquisition of interests in North Carolina agricultural land by nonresident aliens.
Referred to **Agriculture Committee.**

By Senators Ward, Barnes of Forsyth, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hipps, Jenkins, Johnson, Kincaid, Lawing, Martin, Marvin, Royall, Speed, Staton, Tally, White, Winner, Woodard, and Wright:

S. B. 597, a bill to appropriate additional funds to the Regional Arts Resources Program.
Referred to **Appropriations Committee.**

By Senator Staton:

S. B. 598, a bill to amend the law controlling the practice of barbering.
Referred to **Judiciary II Committee.**

By Senator Johnson:

S. B. 599, a bill to allow community water systems the same exemption from boiler regulations as now available to private residences and small apartment houses for their hydropneumatic pressure tanks.
Referred to **Public Utilities and Energy Committee.**

By Senator White:

S. B. 600, a bill to appropriate funds for personnel for the eastern office of the Department of Cultural Resources, Division of Archives and History in Greenville.
Referred to **Appropriations Committee.**

By Senator Warren;

S. B. 601, a bill to appropriate funds for "Signal 25 Communicators" for the highway patrol.
Referred to **Appropriations Committee.**

By Senators Warren and Hardison:

S. B. 602, a bill to amend Chapter 147 of the General Statutes to allow for the payroll deduction by a Department of Transportation employee required by Federal and State law to wear day-glo orange shirts or vests of the cost of uniform rental and insurance premiums.

Referred to **Ways and Means/Transportation Committee.**

By Senator Speed:

S. B. 603, a bill to establish a single legal age for initial entry into the public school system in North Carolina.
Referred to **Education Committee.**

By Senators Thomas of Craven, Hardison, and Royall:

S. B. 604, a bill to appropriate funds for the Hampton Mariner's Museum in Beaufort.
Referred to **Appropriations Committee.**

By Senators Thomas of Craven, Barnes of Wayne, Daniels, Davis, Duncan, Hancock, Harris of Mecklenburg, Johnson, Kincaid, Rand, Redman, Royall, Speed, Staton, Thomas of Henderson, Walker, Ward, Warren, and Woodard:

S. B. 605, a bill to appropriate funds for the development of a water quality management plan for the Neuse River Basin and to create a Legislative Commission to reveiw water pollution problems and water resources needs, and oversee the development of the Neuse River Basin Water Quality Management Plan.
Referred to **Appropriations Committee.**

By Senator Walker:

S. B. 606, a bill to change the date on which members of county boards of elections, registrars and judges of elections are appointed.
Referred to **State Government/Election Laws Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 422 (Committee Substitute), a bill concerning fees relating to the practice of cosmetic art, for concurrence in House Amendment No. 1 which is placed on the Calendar for Monday, June 13.

H. B. 202 (Committee Substitute), a bill to clarify the provisions for certification of local taxing officials and to provide a continuing education program for all persons engaged in the appraisal of property for taxation.
Referred to **Finance Committee.**

H. B. 356, a bill to delay the effective date for the removal of juveniles from jails.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 684 (Committee Substitute), a bill to establish the crime of involuntary servitude.
Referred to **Agriculture Committee.**

H. B. 911 (Committee Substitute), a bill to provide that the applicable court shall make the division of the settlement or judgment costs among joint tort-feasors in actions brought under the Workers' Compensation Act when they cannot agree and providing for limitations of its applicability.
Referred to **Judiciary II Committee.**

H. B. 955, a bill to allow taxpayers to elect to apply any income tax refund owed them to their estimated income tax liability for the following year.

Referred to **Finance Committee.**

H. B. 1142, a bill to extend the study of the State's interests in railroad properties.

Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 230 (Committee Substitute), a bill to amend the Buncombe School Capital Fund Commission Act.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 467 (Committee Substitute), a bill to increase the educational requirements to qualify for licensure as a property and casualty agent.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 508, a bill to clarify the State Treasurer's investment authority and to enhance the management of the Trust Fund Investment Program.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 544, a bill to exempt certain religious, nonprofit conference centers from the coverage of the wage and hour laws.

Senator Tison offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Tison to its third reading, the bill, as amended, remains on the Calendar for further consideration.

S. B. 566, a bill to grant to gasohol a five cent partial exemption from the gasoline and special fuels tax, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Swain, Tally, Tison, Walker, Ward, Warren, White, Winner, and Woodard—39.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

H. B. 72, a bill to permit trustees of the Raeford Firemen's Relief Fund to pay firemen's contributions to the Firemen's and Rescue Squad Workers' Pension Fund.

The bill passes its second and third readings and is ordered enrolled.

H. B. 76, a bill to amend the law relating to the Kannapolis Firemen's Supplemental Retirement Fund.

The bill passes its second and third readings and is ordered enrolled.

H. B. 97, a bill to make certain changes in the Rocky Mount Supplemental Retirement Fund for firemen.

The bill passes its second and third readings and is ordered enrolled.

H. B. 123 (Senate Committee Substitute), a bill to amend G. S. 20-309(e) and G. S. 20-311 with respect to maintenance of continuous financial responsibility for motor vehicles, upon second reading.

On motion of Senator Rauch, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee.**

H. B. 156, a bill to restore language requiring licensing boards and associations to pay for health insurance benefits.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 237, a bill to allow a rescue squad worker eligible for membership in the North Carolina Firemen's and Rescue Squad Worker's Pension Fund to purchase as many as two hundred and forty months of prior service, on or before December 31, 1983.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 330, a bill to provide a supplemental retirement fund for firemen in the Town of Valdese, and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the Town of Valdese.

The bill passes its second and third readings and is ordered enrolled.

H. B. 443 (Committee Substitute), a bill to extinguish certain ancient mineral claims, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Swain, Tally, Tison, Walker, Ward, Warren, White, Winner, and Woodard—39.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 497, a bill to amend Chapter 363 of the 1969 Session Laws concerning the Supplemental Retirement Fund for firemen in the City of Newton.

The bill passes its second and third readings and is ordered enrolled.

H. B. 551 (Senate Committee Substitute), a bill amending the County Hospital Act to authorize a county hospital to establish and operate branch facilities in other counties.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 554, a bill pertaining to insurance and regulation of hazardous waste landfill facilities.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 586, a bill to amend Chapter 26 of the Private Laws of 1937, as amended, to provide that the Firemen's Pension Fund of Wilmington shall be administered by the Pension Board of the City of Wilmington.

The bill passes its second and third readings and is ordered enrolled.

H. B. 587, a bill to provide a Firemen's Benefit Fund for firemen in the City of Wilmington and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the City of Wilmington.

The bill passes its second and third readings and is ordered enrolled.

H. B. 681 (Senate Committee Substitute), a bill to allow the Parole Commission to impose additional conditions of parole on fair sentence inmates.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 690, a bill to provide for the return of patients to treatment facilities, upon third reading.

Senator Barnes of Wayne offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 729, a bill to tax-shelter contributions to the Charlotte Firemen's Retirement System pursuant to Section 414(h)(2) of the Internal Revenue Code and thereby increase the take-home pay of employees of the Fire Department of the City of Charlotte.

The bill passes its second and third readings and is ordered enrolled.

H. B. 892 (Committee Substitute), a bill to amend G. S. 143B-450.1 to provide for provisional datagathering authority in the Energy Division of the Department of Commerce, as amended, upon third reading.

On motion of Senator Hipps, consideration of the Committee Substitute bill, as amended, is postponed until Wednesday, June 15.

H. B. 943 (Committee Substitute), a bill to prohibit the contamination or adulteration or other intentional tampering with the public water system, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 949, a bill to amend G. S. 14-269.1 concerning disposition of deadly weapons.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 965 (Committee Substitute), a bill making technical amendments to the private placement exemption for securities offerings and allowing the Secretary of State to establish limited offering exemptions, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of

Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Swain, Tally, Tison, Walker, Ward, Warren, White, Winner, and Woodard—39.

Voting in the negative: None.

The Committe Substitute bill is ordered enrolled.

H. B. 989, a bill to make unlawful the unauthorized reconnection of a lawfully disconnected utility, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 999, a bill to clarify the sales and use tax treatment of certain computer programs used by telephone companies.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1049, a bill to allow cities and counties to levy property taxes for industrial development and economic development, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Swain, Tally, Tison, Walker, Ward, Warren, White, Winner, and Woodard—39.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1066, a bill to correct obsolete references in the Termination of Parental Rights Law.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1077, a bill to set forth the procedure to suppress a prior conviction obtained in violation of the right to counsel.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 83 (House Committee Substitute), an act setting standards for qualification, training and experience for persons seeking to represent themselves to the public as certified social workers: creating a State Board of Examiners for Social Workers: defining the functions and duties of that Board: and providing for penalties. (Ch. 495)

H. B. 116 (Senate Committee Substitute No. 2), an act to allow the head of a local law enforcement agency to appoint traffic control officers. (Ch. 483)

H. B. 194 (Senate Committee Substitute), an act to amend the power to confer law enforcement powers on special conservation officers. (Ch. 484)

H. B. 222, an act to expand the civil penalties for violations of the Coastal Area Management Act. (Ch. 485)

H. B. 224 (Committee Substitute), an act to permit all incorporated cities within the coastal area to nominate members of the Coastal Resources Commission. (Ch. 486)

H. J. R. 334 (Senate Committee Substitute No. 2), a joint resolution to improve the competence of faculty members in educational methods in the University, the private colleges and universities and in the public schools of North Carolina. (Res. 27)

H. B. 624, an act to repeal local legislation regarding deer hunting in Stokes County. (Ch. 487)

H. B. 631, an act relating to the granting of special use permits, conditional use permits and other matters in Mecklenburg County and the City of Charlotte. (Ch. 488)

H. B. 787 (Committee Substitute), an act to authorize the use of commercial wastewater treatment operation firms. (Ch. 489)

H. B. 847, an act authorizing the Town of Holden Beach to assess for beach accessways. (Ch. 490)

H. B. 920 (Committee Substitute), an act to authorize the Division of Mental Health, Mental Retardation and Substance Abuse Services to transfer patient or resident information to the Department of Correction. (Ch. 491)

H. B. 994, an act to permit the use of handguns in taking big game mammals. (Ch. 492)

H. B. 997, an act to provide a method for filling vacancies on the Washington County Board of Education. (Ch. 493)

H. B. 1086, an act to abolish the Board of Human Resources. (Ch. 494)

H. J. R. 1154, a joint resolution providing for a Joint Session of the House of Representatives and the Senate to act on confirmation of appointments made by the Governor to the State Personnel Commission. (Res. 28)

On motion of Senator Lawing, seconded by Senator Thomas of Craven, the Senate adjourns to meet Monday at 7:00 P.M.

ONE HUNDRED-NINTH DAY

SENATE CHAMBER,
Monday, June 13, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Rabbi Abe Schoen, Beth Myer Synagogue, Raleigh, as follows:

"Almighty God, We invoke Thy blessings upon all of those assembled here. Endow the members of this legislative body with the wisdom to conduct the affairs of our State prudently and equitably, and give them courage equal to their wisdom.

"As devoted public servants, may they strive to devise plans designed to meet the needs of the people of North Carolina for the present, to correct the deficiencies of the past, and to ensure improvement and progress in the future.

"In Thy loving kindness, O God, unite all the inhabitants of our State into a true brotherhood of people, that they may labor unceasingly against the festering vices of malice and greed, fear and ignorance, hyprocrisy and corruption, avarice and violence.

"Bless us all, Heavenly Father, with peace, freedom, fulfillment, happiness, and prosperity."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Winner for tonight.

On motion of Senator Lawing, courtesies of the floor are extended to the wife and daughters of Lieutenant Governor James C. Green, Mrs. Alice Green, Mrs. Susan Green Ramsey, and Miss Sally Green.

The President recognizes the following pages serving in the Senate this week: Christiana Black, Winterville; Mike Bobula, Roanoke Rapids; Rusty Brame, North Wilkesboro; Mary Branch Burns, Raleigh; Michele Deyton, Burnsville; Todd Dixon, Crumpler; Mary Doggett, Summerfield; Karen Faulkner, Raleigh; Kathryn Fisher, Rocky Mount; Michele Hilliard, Elm City; Robert Houck, Boone; Matt Marchetti, Southern Pines; Shari Marshall, Whiteville; Becky Moore, Hendersonville; Susan Pearce, Raleigh; Tawana Seets, Roxboro; Monche Simmons, Whiteville; Rob Tally, Winston-Salem; Jennifer Thomas, Wilmington; Carol Thompson, Raleigh; Regina Whisenhunt, Goldsboro; Brian White, Raleigh; Chrystal Jones, Raleigh; Sherry Watt, Raleigh; and Chris Denning, Raleigh.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 413
(Senate Committee Substitute No. 2)

HOUSE OF REPRESENTATIVES
June 10, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute No. 2 for H. B. No. 413, A BILL TO BE ENTITLED AN ACT TO MAKE AMENDMENTS TO THE EQUITABLE DISTRIBUTION ACT, and requests conferees. The Speaker has appointed Representatives Joe Hackney, George Miller, Martin Nesbitt, Murray Pool and Robert Slaughter on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Jenkins moves that the President appoint conferees, which motion prevails. The President appoints Senators Jenkins, Marvin, Swain, Barnes of Wayne, and Duncan

as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

H. B. 800 (Committee Substitute No. 2), a bill to amend Chapter 65 relating to funeral and burial trust funds, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Edwards of Caldwell, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Edwards of Caldwell, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 15.

By Senator Allsbrook for the **Judiciary I Committee:**

H. B. 53 (Committee Substitute), a bill to make amendments concerning the Advisory Budget Commission and other boards to implement the recommendations of the Committee on Separation of Powers, with an unfavorable report as to House Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 15, as a special order of business, No. 1.

By Senator Harrington for the **Ways and Means/Transportation Committee:**

S. B. 209, a bill to amend the motor vehicle laws in Chapter 20 of the General Statutes to conform truck weights on State highways to the federal bridge formula and to update the statute by making other changes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harrington, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harrington, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 14, as a special order of business, No. 1.

H. B. 605 (Committee Substitute), a bill to amend G. S. 20-13 and G. S. 20-16 relating to suspension of drivers' licenses of provisional licensees and licensees holding motor vehicle operators' licenses, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Davis, Barnes of Wayne, Childers, Hipps, Rand, Staton, Swain, and Winner:

S. B. 607, a bill to ensure equal treatment of unemployed individuals who are members of National Guard units and unemployed individuals who are members of United States Armed Forces Reserve components.
Referred to **Judiciary III Committee.**

By Senators Davis, Barnes of Wayne, Childers, Gray, Staton, Swain, and Winner:

S. B. 608, a bill to validate certain recorded maps and plats.
Referred to **Judiciary II Committee.**

By Senators Martin, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Edwards of Guilford, Gray, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Jenkins, Marvin, Plyler, Rand, Redman, Swain, Tally, Thomas of Henderson, Walker, Ward, and Woodard:

S. B. 609, a bill to develop a program to enhance the capability of certain public assistance recipients to obtain and retain employment and to become and remain self-sufficient.
Referred to **Human Resources Committee.**

By Senator Tally (by request):

S. B. 610, a bill to exempt buildings of institutions of higher education from the laws governing historic districts.
Referred to **Higher Education Committee.**

By Senator Daniels:

S. B. 611, a bill to appropriate funds for an additional deputy superior court clerk for Pasquotank County.
Referred to **Appropriations Committee.**

By Senators Hancock, Walker, and Royall:

S. B. 612, a bill to establish a group home for autistic adults.
Referred to **Appropriations Committee.**

By Senators Gray, Hunt, Marvin, Tally, and Woodard:

S. J. R. 613, a joint resolution of the intent of the General Assembly to be involved in the use of funds through the Job Training Partnership Act.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Gray, Hunt, Marvin, Tally, and Woodard:

S. B. 614, a bill to appropriate certain job training funds consistent with the Job Training Partnership Act.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 479 (House Committee Substitute), a bill to clarify a provision in the group health insurance continuation and conversion privileges law, for concurrence in the House Committee Substitute bill.

Referred to **Insurance Committee.**

H. B. 56 (Committee Substitute), a bill to amend the safe driver insurance plan provisions by increasing the property damage threshold for chargeable accidents and eliminating surcharges for certain speeding traffic violations.

Referred to **Insurance Committee.**

H. B. 110 (Committee Substitute), a bill to authorize the Legislative Committee on Occupational and Professional Licensure to study the need for new licensing laws and programs according to criteria and procedures specified herein.

Referred to **Judiciary II Committee.**

H. B. 203 (Committee Substitute), a bill to revise the procedure for protest and appeal of property tax listings and assessments.

Referred to **Finance Committee.**

H. B. 305 (Committee Substitute), a bill to amend the laws pertaining to the Executive Mansion Fine Arts Committee.

Referred to **Banking Committee.**

H. B. 347 (Committee Substitute), a bill to amend Chapter 669 of the Session Laws of 1943, As Amended, to give the Board of Commissioners of the County of New Hanover the authority to terminate the retirement system of New Hanover Counnty, North Carolina.

Referred to **Pensions and Retirement Committee.**

H. B. 632 (Committee Substitute), a bill to extend the expiration date of the cap on motor vehicle insurance rate increases.

Referred to **Insurance Committee.**

H. B. 709 (Committee Substitute), a bill to establish the Alarm Systems Licensing Act.

Referred to **Judiciary I Committee.**

H. B. 839 (Committee Substitute), a bill to allow the Parole Commission to parole certain pre-fair sentencing felons.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 924, a bill to amend G. S. 58-79(a)(12) regarding life insurance company investments in computer systems.

Referred to **Insurance Committee.**

H. B. 944 (Committee Substitute), a bill to prevent harassment of jurors or former jurors.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 951 (Committee Substitute), a bill to amend and reorganize Chapter 159B of the General Statutes and to create a new article to provide for joint municipal assistance agencies and to make technical amendments to G. S. 128-1 and Article 3 of Chapter 159 of the General Statutes.

Referred to **Public Utilities and Energy Committee.**

H. B. 1028, a bill to allow private peer review in domiciliary homes.
Referred to **Human Resources Committee.**

H. B. 1099, a bill to provide an income tax credit to farmers who permit their crops to be gleaned.
Referred to **Finance Committee.**

H. B. 1118, a bill to amend Chapter 20 to make odometer fraud a felony.
Referred to **Ways and Means/Transportation Committee.**

H. B. 1165, a bill to empower Catawba Memorial Hospital and Alexander County Hospital to use attachment and garnishment procedures for collecting unpaid bills.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 1176, a bill to give public schools equal priority in borrowing library films.
Referred to **Education Committee.**

H. B. 1202, a bill to require the filing of a notice of appeal within thirty days in all appeals taken from decisions or orders of the Property Tax Commission.
Referred to **Judiciary III Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 141 (Committee Substitute), a bill to rewrite the public health laws, upon second reading.

On motion of Senator Hancock, the rules of the Senate are suspended and Dr. Ronald Levine, State Health Director for the Department of Human Resources, is granted courtesies of the floor to assist Senator Hancock in the explanation of the Committee Substitute bill.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, and Wright—46.

Voting in the negative: Senator Daniels—1.

The Committee Substitute bill remains on the Calendar upon third reading.

S. B. 407 (Committee Substitute), a bill to require appellate counsel for indigent noncapital criminal defendant to make certain certifications with respect to appeals.

On motion of Senator Swain, consideration of the Committee Substitute bill is postponed until Tuesday, June 14.

S. B. 422 (Committee Substitute), a bill concerning fees relating to the practice of cosmetic art, for concurrence in House Amendment No. 1.

On motion of Senator Woodard, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

S. B. 490, a bill to permit deduction of certain employee contributions to qualified retirement plans.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 544, a bill to exempt certain religious, nonprofit conference centers from the coverage of the wage and hour laws, as amended, upon third reading.

Senator Tison offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

H. B. 455 (Committee Substitute), a bill to establish uniform regular and special conditions of probation, upon second reading.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, and Wright—45.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 471, a bill to require a supervision fee of all persons placed on parole, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Woodard, and Wright—46.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 942, a bill relating to municipalities and procedures for the operation and financing of joint municipal power agencies, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Woodard, and Wright—47.

Voting in the negative: None.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 1140, a bill to permit taking striped bass from the Tar River with bow nets and dip nets under certain conditions.

Senator Allsbrook offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1, which changes the title upon concurrence to read, **H. B. 1140,** a bill to permit taking striped bass from the Tar River within Edgecombe County with bow nets and dip nets under certain conditions.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 91, an act to provide that all occupational licensing boards may receive the interest on funds deposited by them with the State Treasurer for investment. (Ch. 515)

S. J. R. 215, a joint resolution urging Congress to oppose the sale of any national forest service land in North Carolina. (Res. 29)

S. B. 266, an act to clarify and simplify the Coastal Area Management Act. (Ch. 518)

S. B. 289, an act designating the Office of State Personnel and the State Personnel Commission as the deferral agency for EEOC complaints. (Ch. 516)

S. B. 385 (Committee Substitute), an act to incorporate the Village of Marvin in Union County. (Ch. 514)

S. B. 418, an act to amend the law regarding the use of public buildings to reflect that political parties now hold annual meetings, and to restrict use only if it interferes with school functions and activities. (Ch. 519)

H. B. 72, an act to permit trustees of the Raeford Firemen's Relief Fund to pay firemen's contributions to the Firemen's and Rescue Squad Workers' Pension Fund. (Ch. 496)

H. B. 76, an act to amend the law relating to the Kannapolis Firemen's Supplemental Retirement Fund. (Ch. 497)

H. B. 97, an act to make certain changes in the Rocky Mount Supplemental Retirement Fund for firemen. (Ch. 498)

H. B. 156, an act to restore language requiring licensing boards and associations to pay for health insurance benefits. (Ch. 499)

H. B. 237, an act to allow a rescue squad worker eligible for membership in the North Carolina Firemen's and Rescue Squad Worker's Pension Fund to purchase as many as two hundred and forty months of prior service, on or before December 31, 1983. (Ch. 500)

H. B. 330, an act to provide a supplemental retirement fund for firemen in the Town of Valdese, and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the Town of Valdese. (Ch. 501)

H. B. 443 (Committee Substitute), an act to extinguish certain ancient mineral claims. (Ch. 502)

H. B. 497, an act to amend Chapter 363 of the 1969 Session Laws concerning the Supplemental Retirement Fund for firemen in the City of Newton. (Ch. 503)

H. B. 586, an act to amend Chapter 26 of the Private Laws of 1937, As Amended, to provide that the Firemen's Pension Fund of Wilmington shall be administered by the Pension Board of the City of Wilmington. (Ch. 504)

H. B. 587, an act to provide a Firemen's Benefit Fund for firemen in the City of Wilmington and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the City of Wilmington. (Ch. 505)

H. B. 729, an act to tax-shelter contributions to the Charlotte Firemen's Retirement System pursuant to Section 414(h)(2) of the Internal Revenue Code and thereby increase the take-home pay of employees of the Fire Department of the City of Charlotte. (Ch. 506)

H. B. 943 (Committee Substitute), an act to prohibit the contamination or adulteration or other intentional tampering with the public water system. (Ch. 507)

H. B. 949, an act to amend G. S. 14-269.1 concerning disposition of deadly weapons. (Ch. 517)

H. B. 965 (Committee Substitute), an act making technical amendments to the private placement exemption for securities offerings and allowing the Secretary of State to establish limited offering exemptions. (Ch. 509)

H. B. 989, an act to make unlawful the unauthorized reconnection of a lawfully disconnected utility. (Ch. 508)

H. B. 999, an act to clarify the sales and use tax treatment of certain computer programs used by telephone companies. (Ch. 510)

H. B. 1049, an act to allow cities and counties to levy property taxes for industrial development and economic development. (Ch. 511)

H. B. 1066, an act to correct obsolete references in the Termination of Parental Rights Law. (Ch. 512)

H. B. 1077, an act to set forth the procedure to suppress a prior conviction obtained in violation of the right to counsel. (Ch. 513)

Senator Lawing offers a motion that the rules be suspended to allow the Honorable James C. Green, Lieutenant Governor, to approach the Well of the Senate to deliver a statement to the Members, which motion prevails (electronically recorded).

Senator Lawing, seconded by Senator Rauch, offers a motion that the remarks of Lieutenant Governor Green be spread upon the Journal, which motion prevails (electronically recorded).

The President relinquishes the gavel to the President Protempore, Senator Lawing, who presides. Lieutenant Governor Green approaches the Well of the Senate where he delivers the following statement:

"I have been in public office in North Carolina for twenty-eight years. As a public figure, I know there are times when the stands I take will be controversial, and I will be

publicly criticized for my views. I expect and welcome honest disagreement. But I have as much right as any citizen of this State or this country to expect fair treatment by government investigators.

"I offered to talk with government investigators, and no one accepted this offer.

"During the entire course of this investigation, no government agent even had the courtesy — or courage — to talk with me. My only information concerning the investigation was that reported by the news media.

"I want you to know that last week when this presentment procedure was explained to me, I volunteered to appear before the grand jury today, and, again, I have not been contacted.

"I have nothing to be ashamed of. I have always tried to do what is right in fulfilling my public trust. In the legislature, I have worked hard to **make** laws for the good of our State — not to **break** them. Now I am falsely accused of turning my back on everything I've worked for — everything I believe in.

"A man's good reputation takes years to build, but only a short time to destroy. It may not mean much to an overzealous government agent, but it means everything to me. My family and I have been living under a cloud for too long. It's time to clear the air. I don't look forward to going through what lies ahead, but I do look forward to getting everything out in the open — at long last. The public has a right to know — I have a right to know — why government agents tried so hard, with no success whatsoever, to entrap me into breaking the law.

"And when we do find out why, we must do whatever we can to see to it that no citizen is ever subjected to this kind of treatment again.

"Now, I've been under fire before. I was under fire in Iwo Jima but I was able to keep going because I knew what I was fighting for.

"And I know what I'm fighting for now — my good name. It's mine, I've earned it, and, God willing, no one is going to take it away from me.

"I would like nothing better than to answer questions for the press. Unfortunately, I have been put in a position where I am unable to do so. My attorney has instructed me not to answer any questions at this time."

The President of the Senate, receiving a standing ovation, resumes the Chair.

On motion of Senator Lawing, seconded by Senator Edwards of Guilford, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED-TENTH DAY

SENATE CHAMBER,
Tuesday, June 14, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Richard Brand, Associate Minister, First Presbyterian Church, Raleigh.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Thomas of Craven for today and to Senator Harris of Mecklenburg for today and Wednesday, June 14 and 15.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
June 14, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to H. J. R. 1154, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ACT ON CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO THE STATE PERSONNEL COMMISSION, the House of Representatives stands ready to receive the Senate in Joint Session at 2:00 p.m. on Tuesday, June 14, 1983.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House, pursuant to **H. J. R. 1154,** a joint resolution providing for a Joint Session of the House of Representatives and the Senate to act on confirmation of appointments made by the Governor to the State Personnel Commission.

On motion of Senator Lawing, in accordance with **H. J. R. 1154,** The Senate recesses to repair to the Hall of the House of Representatives there to sit in Joint Session, and on his further motion, upon dissolution of the Joint Session to return to the Senate Chamber for the further consideration of business.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing, and the Joint Session is called to order by Lieutenant Governor James C. Green.

The Clerk of the Senate calls the roll of the Senate and the following members answer the call: Senators Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

The call of the roll of the House of Representatives is taken electronically and the following members answer the call: Speaker Ramsey, Representatives Allran, Anderson, Auman, Ballance, Barbee, Barker, Barnes, Beall, Beam, Beard, Berry, Blue, Bowen, Brannan, Brawley, Brennan, Brown, Brubaker, Bumgardner, Burnley, Childress, Church, Clark, Coble, Cochrane, Colton, Cook, J. W. Crawford, N. J. Crawford, DeVane, Diamont, Easterling, Economos, Edwards, Enloe, Bob Etheridge, W. B. Ethridge, Fenner, Fletcher, Foster, Fussell, Gentry, Gillam, Gist, Greenwood, Grimsley, Hackney, Hasty, Hauser, Hayden, Helms, Hightower, Holmes, Holt, Hudson, C. Hughes, J. Hughes, Hunt, Hunter, Huskins, Jarrell, Jeralds, Jones, Jordan, Keesee, Kennedy, Lacey, Lambeth, Lancaster, Lee, Ligon, Lilley, Locks, Lutz, McAlister, McDowell, Matthews, Mauney, Mavretic, Miller, Murphy, Nash, Nesbitt, Owens, Payne, Poovey, Pulley, Quinn, Redding, Rhodes, Roberts, Seymour, Slaughter, Spaulding, Spoon, Stamey, Tennille, Thomas, Tyndall, Varner, Warren, Wicker, Womble, B. P. Woodard, and Wright—106.

A quorum of each Body being declared present, the Joint Session proceeds with the business for which it convenes.

The President of the Senate directs the Reading Clerk of the Senate to read the following messages from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

The Honorable Jimmy C. Green
President of the Senate
Legislative Building
Raleigh, North Carolina 27611

May 23, 1983

Dear Mr. President:

Pursuant to G. S. 126-2, I am submitting to the Senate, and the House of Representatives, the names of the persons listed below whom I have recommended for reappointment to the State Personnel Commission. Their terms will be effective July 1, 1983, and will expire June 30, 1989.

Dr. Stephen Thomas
627 Rauhut Street
Burlington, North Carolina 27215
(Representative of Business or Industry)

Ms. Lenora L. Carawan
2405 Holloway Terrace
Raleigh, North Carolina 27608
(At Large Member)

Ms. Polly W. Brewer
2809 Remington Street
Charlotte, North Carolina 28216
(Representative of Business or Industry)

My warmest personal regards,

Sincerely,
S/ JAMES B. HUNT
Governor of North Carolina

June 14, 1983

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

The Honorable Liston B. Ramsey
Speaker of the House
Legislative Building
Raleigh, North Carolina 27611

May 23, 1983

Dear Mr. Speaker:

Pursuant to G. S. 126-2, I am submitting to the House of Representatives, and to the Senate the names of the persons listed below whom I have recommended for reappointment to the State Personnel Commission. Their terms will be effective July 1, 1983, and will expire June 30, 1989.

Dr. Stephen Thomas
627 Rauhut Street
Burlington, North Carolina 27215
(Representative of Business or Industry)

Ms. Lenora L. Carawan
2405 Holloway Terrace
Raleigh, North Carolina 27608
(At Large Member)

Ms. Polly W. Brewer
2809 Remington Street
Charlotte, North Carolina 28216
(Representative of Business or Industry)

My warmest personal regards,

Sincerely,
S/ JAMES B. HUNT
Governor of North Carolina

Senator Staton, Co-Chairman of the **State Government Committee** of the Senate, submits the following report:

June 8, 1983

The Honorable James C. Green
President of the Senate
Legislative Office Building
Raleigh, North Carolina 27611

Mr. President:

Pursuant to General Statutes 126-2 and at your request, the Senate Committee on State Government, having met, recommends approval of the following candidates to serve on the State Personnel Commission effective July 1, 1983, and expiring June 30, 1989:

Dr. Stephen Thomas
Ms. Leonora L. Carawan
Ms. Polly W. Brewer

June 14, 1983

The nominees were unanimously approved by those in attendance at the meeting of the Senate Committee on State Government.

Respectfully submitted,
S/ WILLIAM W. STATON
Co-Chairman, Senate
Committee on State Government

Representative Jordan, Chairman of the **State Personnel Committee** of the House of Representatives, submits the following report:

June 14, 1983

The Honorable Liston B. Ramsey
Speaker of the House
North Carolina General Assembly
Raleigh, North Carolina 27611

Dear Speaker Ramsey:

Pursuant to General Statute 126-2, and at your request, the House Committee on State Personnel, having met, recommend approval of the following candidates to serve on the State Personnel Commission:

Ms. Polly W. Brewer
Ms. Leonora L. Carawan
Dr. Stephen Thomas

Their terms will be effective July 1, 1983 and will expire on June 30, 1989.

The nomines were unanimously approved by those in attendance at the meeting of the House Committee on State Personnel.

Respectfully submitted,
S/ JOHN M. JORDAN, *Chairman*
State Personnel Committee

Representative Jordan moves that the House of Representatives do confirm the appointments of Dr. Stephen Thomas, Ms. Leonora L. Carawan, and Ms. Polly W. Brewer as members of the State Personnel Commission.

Senator Staton moves that the Senate do confirm the appointments of Dr. Stephen Thomas, Ms. Leonora L. Carawan, and Ms. Polly W. Brewer as members of the State Personnel Commission.

The President of the Senate orders the roll of the Senate called and thereafter, the roll of the House of Representatives taken by electronic vote.

The motions to confirm the appointments of Dr. Stephen Thomas, Ms. Leonora L. Carawan, and Ms. Polly W. Brewer as members of the State Personnel Commission prevail by the following roll-call votes:

Senate—ayes 47, noes 0, as follows:
Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt,

Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

House of Representatives—ayes 111, noes 0, as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Adams, Allran, Anderson, Auman, Ballance, Barbee, Barker, Barnes, Beall, Beam, Beard, Berry, Blue, Bowen, Brannan, Brawley, Brennan, Brown, Brubaker, Bumgardner, Burnley, Childress, Church, Clark, Coble, Cochrane, Colton, Cook, J. W. Crawford, N. J. Crawford, Creecy, DeVane, Diamont, Easterling, Economos, Edwards, Enloe, Bob Etheridge, W. B. Ethridge, Evans, Fenner, Fletcher, Foster, Fussell, Gentry, Gillam, Gist, Greenwood, Grimsley, Hackney, Hasty, Hauser, Hayden, Helms, Hightower, Holmes, Holt, Hudson, C. Hughes, J. Hughes, Hunt, Hunter, Huskins, Jarrell, Jeralds, Jones, Jordan, Keesee, Kennedy, Lacey, Lambeth, Lancaster, Lee, Ligon, Lilley, Locks, Lutz, McAlister, McDowell, Matthews, Mauney, Mavretic, Miller, Murphy, Nash, Nesbitt, Owens, Payne, Poovey, Pulley, Quinn, Rabon, Redding, Rhodes, Roberts, Robinson, Seymour, Slaughter, Spaulding, Spoon, Stamey, Tennille, Thomas, Tyndall, Varner, Warren, Wicker, Womble, B. P. Woodard, and Wright—111.

Voting in the negative: None.

Having received a majority of votes of both houses, the appointments of Dr. Stephen Thomas, Ms. Leonora L. Carawan, and Ms. Polly W. Brewer as members of the State Personnel Commission are confirmed.

It is ordered by the President of the Senate that the Governor be notified of the action of the General Assembly, sitting in Joint Session, upon the confirmation of the appointments of Dr. Stephen Thomas, Ms. Leonora L. Carawan, and Ms. Polly W. Brewer as members of the State Personnel Commission.

On motion of Senator Lawing, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate returns to its Chamber.

The Senate resumes consideration of its regular business.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Jenkins for the **Insurance Committee:**

H. B. 1000, a bill to increase the maximum amount motor clubs may reimburse for emergency road service, with a favorable report.

H. B. 1037, a bill making the Commissioner of Insurance an ex officio member of the Public Officers and Employees Liability Insurance Commission, with a favorable report.

By Senator Tally for the **Higher Education Committee:**

H. B. 988, a bill to rewrite the statute under which nonpublic post-secondary educational institutions may be licensed to conduct post-secondary degree activity in North Carolina, with a favorable report, as amended.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 587, a bill prohibiting contests involving firearms on or near an ABC permit holder's premises, with a favorable report.

H. B. 193 (Committee Substitute), a bill to make amendments concerning the Advisory Budget Commission to bond acts to implement the recommendations of the Committee on Separation of Powers, with a favorable report.

On motion of Senator Allsbrook, the Committee Substitute bill is placed on the Calendar for Wednesday, June 15, as Special Order of Business No. 2.

H. B. 263, a bill to require a judicial official to state the reason(s) for requiring a secured bail bond as a condition of pretrial release, with an unfavorable report.

By Senator Soles for the **Judiciary II Committee:**

H. B. 513 (Committee Substitute), a bill to clarify the filing of a notice of appeal in all appeals taken from decisions or orders of the Utilities Commission, with a favorable report, as amended.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 315, a bill regarding inspections of fire-damaged property with an inspection warrant, with a favorable report.

S. B. 338, a bill to include within the statutory provisions for the defense of State employees those persons or professional associations who provide medical and dental services to prison inmates at the request of the Department of Correction, with a favorable report.

H. B. 384 (Committee Substitute), a bill to make permanent the 120-day speedy trial law requirement and to make other changes, with a favorable report, as amended.

H. B. 774, a bill regarding probation revocation in a county other than the county of original conviction, with a favorable report.

By Senator Rand for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

H. B. 832 (Committee Substitute), a bill to accelerate the parole of certain inmates when necessary for effective prison management, with a favorable report.

By Senator Hipps for the **Local Government and Regional Affairs Committee:**

S. B. 383, a bill to provide for the establishment of an authority to construct, maintain, and operate civic center facilities in Catawba County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hipps, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 16.

S. B. 384, a bill to permit the local boards of education in Avery and Watauga Counties to schedule longer school days so as to offset days lost due to inclement weather, with a favorable report.

On motion of Senator Hipps, the bill is re-referred to the **Education Committee.**

H. B. 291 (Committee Substitute), a bill to provide that the New Hanover County Board of Commissioners shall be elected from districts and only the qualified voters of the district shall vote for that district seat, and to expand the Board to seven seats, subject to a referendum, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 291** (Senate Committee Substitute), a bill to provide that the New Hanover County Board of Commissioners shall be elected from districts, and to expand the Board to seven seats, subject to a referendum, is placed before the Senate for immediate consideration.

On motion of Senator Hipps, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 16.

H. B. 292 (Committee Substitute), a bill to provide that the Wilmington City Council shall be elected from districts and only the qualified voters of the district shall vote for that district seat; and to change the form of election to partisan; subject to referendum, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Senate Committee Substitute bill which changes the title to read **H. B. 292** (Senate Committee Substitute), a bill to provide a referendum on the question of changing the manner of election of the Wilmington City Council, is placed before the Senate for immediate consideration.

On motion of Senator Hipps, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 16.

H. B. 588, a bill to amend Chapter 495 of the Session Laws of 1977 to clarify the effect of said act, which is a codification of the Charter of the City of Wilmington, on other acts, with a favorable report.

H. B. 886 (Committee Substitute), a bill to provide for reasonable beach access within the Town of Emerald Isle, with a favorable report.

H. B. 776, a bill to make miscellaneous changes in local laws affecting Orange County, with a favorable report, as amended.

By Senator Hancock for the **State Government Committee:**

S. B. 251, a bill to permit county commissioners to adopt substantially equivalent policies for portions of the State Personnel Act for county employees subject to Chapter 126, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hancock, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hancock, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 16.

H. B. 916 (Committee Substitute), a bill to establish the Governor's Management Council, with a favorable report.

H. B. 1089, a bill to allow community theatres to qualify for certain ABC permits, with a favorable report, as amended.

By Senator Hancock for the **State Government/Election Laws Committee:**

S. B. 133, a bill to enact the fair elections act, to allow mixed ticket voting in partisan elections with an unfavorable report.

S. B. 219, a bill to require a person to resign from State or local office if he or she seeks another public office the term of which runs concurrently with that of the office he is holding, with an unfavorable report.

H. B. 694, a bill to repeal the requirement of a new registration of voters upon incorporation of a municipality and simultaneous dissolution of a sanitary district, with a favorable report.

H. B. 1026, a bill relating to the formation of new political parties to conform with federal court rulings, with a favorable report, as amended.

H. B. 1070, a bill to clarify that judges of election, like other precinct officials, may register voters anywhere in the county, with a favorable report.

By Senator Hancock for the **State Government/Housing Committee:**

S. B. 387, a bill to amend Article I of Chapter 87 of the General Statutes as the same relates to builders of residential housing, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hancock, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hancock, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 16.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Staton, Hardison, and Royall:

S. B. 615, a bill appropriating funds to the Office of State Personnel to continue the implementation of the Employee Assistance Program for State employees.

Referred to **Appropriations Committee.**

By Senators Hunt and Walker:

S. B. 616, a bill to appropriate funds for a Randolph County Forestry Headquarters.

Referred to **Appropriations Committee.**

By Senator Staton:

S. B. 617, a bill to appropriate additional funds for new attorneys and support services to resolve submerged land claims filed pursuant to G. S. 113-205.

Referred to **Appropriations Committee.**

By Senator Duncan:

S. B. 618, a bill to give the City of Eden authority to abolish the City of Eden Employees' Retirement System upon transfer of employees to the North Carolina Local Governmental Employees' Retirement System.

Referred to **Pensions and Retirement Committee.**

Senator Hancock moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Hancock:

S. B. 621, a bill to amend Chapter 85B, relating to auctions and auctioneers.
Referred to **State Government Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 402 (House Committee Substitute), a bill to make certain revisions and additions to the credit union law, for concurrence in the House Committee Substitute bill.
Referred to **Banking Committee.**

H. J. R. 602 (Committee Substitute), a joint resolution urging the New Hanover County Board of Education to study the advisability of legislation providing for nonpartisan elections for the New Hanover County Board of Education.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 658 (Committee Substitute), a bill to protect renters of apartment buildings being converted to condominiums.
Referred to **State Government/Housing Committee.**

H. B. 1009, a bill to amend G. S. 58-79(a) pertaining to life insurance company investments in futures contracts.
Referred to **Insurance Committee.**

H. B. 1050 (Committee Substitute), a bill creating a committee for a comprehensive study of the property tax system in North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

H. B. 1111, a bill to clarify the attorneys' fees award in certain cases.
Referred to **Judiciary II Committee.**

H. B. 1114, a bill to amend Article 12, G. S. 115C-189 to allow the State Board of Education to select the type of annual test to be used in the first, second, third, sixth and ninth grades.
Referred to **Education Committee.**

H. B. 1132, a bill to remove certain property from the corporate limits of the Town of Tryon and to reincorporate the Town of Lynn.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 1231, a bill to amend G. S. 136-44.20 to provide for matching funds for inter-city rail and bus passenger service.
Referred to **Ways and Means/Transportation Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

S. B. 209 (Committee Substitute)

The hour having arrived for consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S. B. 209** (Committee Substitute), a bill to amend the motor vehicle laws in Chapter 20 of the General Statutes to conform truck weights on State highways to the federal bridge formula and to update the statute by making other changes, upon second reading.

On motion of Senator Harrington the rules of the Senate are suspended to allow Mr. Billy Rose, State Highway Administrator for the Department of Transportation, and Mr. Eugene A. Smith, Senior Deputy Attorney General, courtesies of the floor to assist Senator Harrington in the explanation of the Committee Substitute bill.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, upon third reading, and on motion of Senator Harrington is set as Special Order of Business No. 3.

S. B. 141 (Committee Substitute), a bill to rewrite the public health laws, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: Senators Daniels and Kincaid—2.

The Committee Substitute bill is ordered sent to the House of Representatives.

S. B. 407 (Committee Substitute), a bill to require appellate counsel for indigent noncapital criminal defendant to make certain certifications with respect to appeals.

Senator Swain offers Amendment No. 1 which is adopted.

Pursuant to Rule 42.1, Senator Hardison requests a fiscal note.

Without objection, the Chair order the Committee Substitute bill placed on the Calendar for Thursday, June 16, with a fiscal note.

H. B. 124 (Senate Committee Substitute), a bill to expand the use of outpatient involuntary commitments for the mentally ill.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 345 (Committee Substitute No. 2), a bill to allow water and sewer authorities to defend officers, employees, and governing board members and pay any or all of a claim made or civil judgment entered against any of them.

The Committee Substitute bill No. 2 passes its second and third readings and is ordered enrolled.

H. B. 455 (Committee Substitute), a bill to establish uniform regular and special conditions of probation, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 471, a bill to require a supervision fee of all persons placed on parole, upon third reading.

Senator Martin offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 493, a bill to implement the constitutional amendment regarding appeal of Utilities Commission orders.

The bill passes its second and third readings and is ordered enrolled.

H. B. 605 (Committee Substitute), a bill to amend G. S. 20-13 and G. S. 20-16 relating to suspension of drivers' licenses of provisional licensees and licensees holding motor vehicle operators' licenses.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

Senator Allsbrook moves that the vote by which Committee Amendment No. 1 was adopted be reconsidered, which motion prevails.

Committee Amendment No. 1 fails of adoption.

The Committee Substitute bill passes its second reading.

On objection of Senator Warren to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

June 14, 1983

H. B. 744 (Committee Substitute), a bill to amend G. S. 14-320.1 to recognize child custody orders issued in other states.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 759 (Senate Committee Substitute), a bill to specify a summons for termination of parental rights cases, to provide for an answer in such cases, and to specify who is to receive copies of termination of parental rights orders.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 791 (Committee Substitute), a bill to permit enforcement of child support and custody judgments while on appeal.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 913, a bill to provide that when a district court judge transfers a juvenile felony case to superior court, the superior court has jurisdiction over that felony, any related offense, and any greater or lesser included offense of that felony.

The bill passes its second and third readings and is ordered enrolled.

H. B. 942, a bill relating to municipalities and procedures for the operation and financing of joint municipal power agencies, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 947 (Committee Substitute), a bill concerning the harboring of individuals known to be the subject of outstanding warrants for arrest.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1062, a bill to provide that the fact that a person owns ten percent or less of the stock of a corporation or has a ten percent or less ownership in any other business entity or is an employee of a corporation or other business entity does not violate the Director of Public Trust statutes.

The bill passes its second reading.

On objection of Senator Soles to its third reading, the bill remains on the Calendar for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 259 (Committee Substitute), an act to amend G. S. 20-7.1 relating to change of address on operator's license, learner's permits and special identification cards. (Ch. 521)

S. B. 279 (Committee Substitute), an act to prohibit discrimination in housing. (Ch. 522)

S. B. 422 (Committee Substitute), an act concerning fees relating to the practice of cosmetic art. (Ch. 523)

S. B. 565, an act to authorize the Department of Transportation to permit encroachment of airspace above Henry Street in the Town of Stoneville for construction of a bridge. (Ch. 524)

H. B. 1092, an act to provide a good samaritan statute for rural fire departments. (Ch. 520)

On motion of Senator Lawing, seconded by Senator Marion, the Senate ajourns to meet tomorrow at 1:00 P.M.

ONE HUNDRED-ELEVENTH DAY

SENATE CHAMBER,
Wednesday, June 15, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Rabbi Martin Biefield, Temple Beth Or, Raleigh, as follows:

"When, at judgment, you are asked: 'What did you do?'
Let your answer be: 'I fed the hungry.'
"Then you will be told:
This is the gate of the Lord;
who feeds the hungry may enter.
"When I ask your help, do not tell me that **God** will help;
help me yourself; that is why you were born.
Great are those who give of themselves;
they bring redemption near.
"Though you have given already, give yet again,
even to the hundredth time.
This is the gate of the Lord;
who cares for the sick may enter.
"Greater than one who gives without love
is the one who gives with love.

Great are those who give;
they bring redemption near.
"Do not close your hand against your kin;
do not close your heart against your people.
This is the gate of the Lord;
who sustains the orphan may enter.
"How great a thing it is to give,
and to give at once is to give twice.
This is the gate of the Lord;
who helps the helpless may enter.
"When you give to the poor you give to their Maker;
Great are those who give;
they bring redemption near.
"The greatest gift of all; to help others to help themselves.
This is the gate of the Lord;
all who give may enter.
Great are those who give;
they bring redemption near.
"Adonai oz li-a-mo yi-tane
Adonai yivarech et amo va-shalom.
"May we be blessed with an abundance of all of God's gifts."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Marion and Tally for today.

A leave of absence granted previously to Senator Harris of Mecklenburg is noted.

The President extends courtesies of the gallery to Mr. George Wood, former Senator from Camden County.

The Chair declares the voting equipment inoperative.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 683
(Senate Committee Substitute)

HOUSE OF REPRESENATATIVES
June 15, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for H. B. No. 683, A BILL TO BE ENTITLED AN ACT TO REWRITE G. S. 20-217 PERTAINING TO PASSING STOPPED SCHOOL BUSES AND RECEIVING OR DISCHARGING PASSENGERS FROM SCHOOL BUSES STOPPED ON DIVIDED ROADWAYS, and requests conferees. The Speaker has appointed Representatives Lilley, Miller, Fussell, Barker, and Wright on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

June 15, 1983

Senator Soles moves that the President appoint conferees, which motion prevails. The President appoints Senators Soles, Swain, Tally, Winner, and Jenkins as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RE-REFERRAL

S. B. 284, a bill to assure that all counties in the coastal area are represented on the Coastal Resources Commission and to decrease the size of the Coastal Resources Advisory Council.

Without objection, the Chair orders the bill taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **Appropriations Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 590, a bill to permit grant of certificates of need for certain new nursing home facilities, with a favorable report.

On motion of Senator Harris of Cleveland, the bill is re-referred to the **Appropriations Committee.**

H. B. 543 (Committee Substitute), a bill to permit the issuance of a certificate of need for nursing homes in qualifying counties that do not have nursing homes, with a favorable report.

On motion of Senator Harris of Cleveland, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H. B. 779 (Committee Substitute), a bill to modify the certificate of need law for life care centers, with a favorable report.

On motion of Senator Harris of Cleveland, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H. B. 1056, a bill amending Chapter 1127 of the 1981 Session Laws to permit certificates of need for certain facilities replacing demolished facilities, with a favorable report.

On motion of Senator Harris of Cleveland, the bill is re-referred to the **Appropriations Committee.**

By Senator Childers for the **Manufacturing, Labor and Commerce Committee:**

H. B. 716 (Committee Substitute), a bill to assure unemployment insurance trust fund solvency and compliance with federal law, with a favorable report.

H. B. 737 (Committee Substitute), a bill to amend the Employment Security Law to assure federal compliance and other technical amendments, with a favorable report, as amended.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

S. B. 579, a bill to revise the lease provisions pertaining to cultivation of oysters and clams, with a favorable report.

By Senator Plyler for the **Pensions and Retirement Committee:**

S. B. 158, a bill to amend Article 3 of Chapter 135 of the General Statutes of North Carolina to effect needed economies in the State Employee Health Benefit Plan by eliminating double recoveries, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 158** (Committee Substitute), a bill to subrogate the Teachers' and State Employees' Comprehensive Major Medical Plan to the rights of enrollees upon payment of benefits, is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 17.

S. B. 333, a bill to reduce the years a judge must have served before retirement to qualify as an emergency judge, with a favorable report.

S. B. 564, a bill to amend the Uniform Judicial Retirement Act pertaining to benefits on death before retirement, with a favorable report, as amended.

On motion of Senator Plyler, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S. B. 618, a bill to give the City of Eden authority to abolish the City of Eden Employees' Retirement System upon transfer of employees to the North Carolina Local Governmental Employees' Retirement System, with a favorable report, as amended.

H. B. 347 (Committee Substitute), a bill to amend Chapter 669 of the Session Laws of 1943, As Amended, to give the Board of Commissioners of the County of New Hanover the authority to terminate the retirement system of New Hanover County, North Carolina, with a favorable report.

H. B. 366, a bill to provide a Supplemental Retirement Fund for firemen in the City of New Bern and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the City of New Bern, with a favorable report.

H. B. 456, a bill to reinstate portions of the previous provisions of law regarding the treatment of reemployed retirees in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System, with a favorable report.

H. B. 603, a bill to amend Chapter 55 of the Private Laws of 1915, As Amended, to provide that the Police Pension Fund of Wilmington shall be administered by the Pension Board of the City of Wilmington, with a favorable report.

By Senator Guy for the **Public Utilities and Energy Committee.**

S. B. 481, a bill to establish qualifications for members of the Utilities Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Guy, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Guy, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 17.

S. B. 599, a bill to allow community water systems the same exemption from boiler regulations as now available to private residences and small apartment houses for their hydropneumatic pressure tanks, with a favorable report.

H. B. 1104, a bill to require extraterritorial representation on the planning agency when matters concerning the extraterritorial area are acted upon, with a favorable report, as amended.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. J. R. 211 (House Committee Substitute), a joint resolution urging the United States Government to refrain from ocean disposal of decommissioned nuclear submarines off the North Carolina coast, with a favorable report, as to concurrence in the House Committee Substitute joint resolution.

S. J. R. 572, a joint resolution memorializing the Congress to pass emergency legislation to open up the treacherous channel at Oregon Inlet, with a favorable report.

S. J. R. 584, a joint resolution calling upon the Speaker of the House of Representatives and the President of the Senate to appoint a legislative delegation to attend ceremonies in Great Britain celebrating the Four Hundredth Anniversary of the Roanoke Voyages, with a favorable report.

S. J. R. 586, a joint resolution honoring Lee Burrus Nichols, a former member of the General Assembly, with a favorable report.

S. J. R. 589, a joint resolution urging the United States Department of Defense to cooperate with State and local officials to provide coastal surveillance to aid in drug law enforcement, with a favorable report.

H. J. R. 621 (Committee Substitute), a joint resolution encouraging local boards of education to schedule teacher workdays within ten days of election day on election day, with a favorable report.

By Senator Staton for the **State Government Committee:**

S. B. 588, a bill to allow State agencies to recruit, train, register, and accept volunteers for State service, with a favorable report, as amended.

On motion of Senator Staton, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Daniels:

S. B. 619, a bill to require a minimum width for lanes of two-lane highways on which tandem trucks may be operated and to require the upgrading of those highways.
Referred to **Ways and Means/Transportation Committee.**

By Senators Hancock and Jordan:

S. J. R. 620, a joint resolution authorizing the Legislative Research Commission to study the needs for the development of biotechnology in North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Jenkins:

S. B. 622, a bill regarding security interests in farm products.
Referred to **Judiciary II Committee.**

By Senators Royall, Barnes of Wayne, Barnes of Forsyth, Daniels, Duncan, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hunt, Jenkins, Lawing, Martin, Marvin, Parnell, Plyler, Rauch, Soles, Staton, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, White, and Winner:

S. B. 623, a bill to establish the Legislative Retirement System of North Carolina.
Referred to **Pensions and Retirement Committee.**

By Senators White and Speed:

S. J. R. 624, a joint resolution to create a study commission to examine alternatives for increasing public awareness of the importance of agriculture, forestry, and seafood in North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

Senator Barnes of Wayne moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Barnes of Wayne:

S. B. 625, a bill prohibiting minors below ten years of age in taverns.
Referred to **Judiciary III Committee.**

Senator Walker moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Walker and Woodard:

S. B. 628, a bill to give the State Board of Elections a longer period of time to determine nominees for the presidential primary.
Referred to **State Government/Election Laws Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 513, a bill to establish unique and relevant education and training standards for sheriffs, their deputies, and other personnel, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 16.

H. B. 278 (Committee Substitute), a bill to enact the Tax Adjustment Act of 1983.
Referred to **Finance Committee.**

H. B. 521 (Committee Substitute), a bill to prohibit hunting from roads and to prohibit hunting on the lands of another without the consent of the landowner in parts of Martin County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 640, a bill to prohibit deer hunting with dogs in parts of Moore County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 717 (Committee Substitute), a bill to raise the penalties for tax evasion.
Referred to **Judiciary II Committee.**

H. B. 879 (Committee Substitute), a bill establishing mandatory mediation of child custody and visitation disputes.
Referred to **Judiciary II Committee.**

H. B. 1167, a bill setting a time limit for filing the final affidavit for administration of a small estate.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 1177, a bill to require the Department of Administration to publish a North Carolina Purchase Registry.
Referred to **Ways and Means/Small Business Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

SPECIAL ORDER NO. 1

H. B. 53

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **H. B. 53** (Senate Committee Substitute), a bill to make amendments concerning the Advisory Budget Commission and other boards to implement the recommendations of the Committee on Separation of Powers.

On motion of Senator Allsbrook, the rules of the Senate are suspended and Mr. Gerry Cohen and Mr. Dennis Bryan, staff attorneys, are granted courtesies of the floor to assist Senator Allsbrook in the explanation of the Senate Committee Substitute bill.

Senator Plyler offers Amendment No. 1 which is adopted.

Senator Allsbrook offers Amendment No. 2 which is adopted.

The Senate Committee Substitute bill, as amended, passes its second reading.

On motions of Senator Allsbrook, consideration of the Senate Committee Substitute bill, as amended, upon third reading, is postponed until Tuesday, June 21, and is set as Special Order of Business No. 1.

SPECIAL ORDER NO. 2

H. B. 193 (Committee Substitute)

The hour having arrived for the consideration of Special Order No. 2, the President of the Senate lays before the Senate Special Order No. 2, it being **H. B. 193** (Committee Sustitute), a bill to make amendments concerning the Advisory Budget Commission to bond acts to implement the recommendations of the Committee on Separation of Powers, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

On motions of Senator Allsbrook, the Committee Substitute bill is placed on the Calendar for Tuesday, June 21, as is set as Special Order of Business No. 2.

SPECIAL ORDER NO. 3.

S. B. 209 (Committee Substitute)

The hour having arrived for the consideration of Special Order No. 3, the President of the Senate lays before the Senate Special Order No. 3, it being **S. B. 209** (Committee Substitute), a bill to amend the motor vehicle laws in Chapter 20 of the General Statutes to conform truck weights on State highways to the federal bridge formula and to update the statute by making other changes, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Martin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright—43.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S. B. 315, a bill regarding inspections of fire-damaged property with an inspection warrant.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 338, a bill to include within the statutory provisions for the defense of State employees those persons or professional associations who provide medical and dental services to prison inmates at the request of the Department of Correction.

The bill passes its second reading.

Senator Soles requests to be recorded voting "no."

Senator Jenkins objects to the third reading of the bill.

On motion of Senator Hipps, consideration of the bill, upon third reading, is postponed until Tuesday, June 21.

On motion of Senator Jenkins the bill is taken from the Calendar for Tuesday, June 21, and is placed before the Senate for further consideration, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 587, a bill prohibiting contests involving firearms on or near an ABC permit holder's premises.

On motion of Senator Swain, the bill is recommitted to the **Judiciary I Committee.**

H. B. 384 (Committee Substitute), a bill to make permanent the 120-day speedy trial law requirement and to make other changes.

On motion of Senator Barnes of Wayne, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 513 (Committee Substitute), a bill to clarify the filing of a notice of appeal in all appeals taken from decisions or orders of the Utilities Commission.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 588, a bill to amend Chapter 495 of the Session Laws of 1977 to clarify the effect of said act, which is a codification of the Charter of the City of Wilmington, on other acts.

The bill passes its second and third readings and is ordered enrolled.

H. B. 605 (Committee Substitute), a bill to amend G. S. 20-13 and G. S. 20-16 relating to suspension of drivers' licenses of provisional licensees and licensees holding motor vehicle operators' licenses, upon third reading.

The Committee Substitute bill passes its third reading and is ordered enrolled.

H. B. 694, a bill to repeal the requirement of a new registration of voters upon incorporation of a municipality and simultaneous dissolution of a sanitary district.

The bill passes its second and third readings and is ordered enrolled.

H. B. 774, a bill regarding probation revocation in a county other than the county of original conviction.

The bill passes its second and third readings and is ordered enrolled.

H. B. 776, a bill to make miscellaneous changes in local laws affecting Orange County.

On motion of Senator Walker, consideration of the bill is postponed until Friday, June 17.

H. B. 800 (Senate Committee Substitute), a bill to amend Chapter 65 relating to funeral and burial trust funds.

Without objection, Senator Harris of Cleveland is excused from voting for the stated reason: "Funeral Director."

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 832 (Committee Substitute), a bill to accelerate the parole of certain inmates when necessary for effective prison management.

On motion of Senator Rand, consideration of the Committee Substitute bill is postponed until Thursday, June 16.

H. B. 886 (Committee Substitute), a bill to provide for reasonable beach access within the Town of Emerald Isle.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 892 (Committee Substitute), a bill to amend G. S. 143B-450.1 to provide for provisional datagathering authority in the Energy Division of the Department of Commerce, as amended, upon third reading.

Senator Hardison offers Amendment No. 2 which is adopted.

Senators Redman and Wright request to be recorded voting "no."

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1 and 2.

H. B. 916 (Committee Substitute), a bill to establish the Governor's Management Council.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 978 (Committee Substitute), a bill to amend G. S. 24-10 concerning fees on second mortgages, upon third reading.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Barnes of Forsyth: "Conflict of interest — banker."

Senator Tison: "Conflict of interest."

The Committee Substitute bill passes its third reading and is ordered enrolled.

H. B. 988, a bill to rewrite the statute under which nonpublic post-secondary educational institutions may be licensed to conduct post-secondary degree activity in North Carolina.

On motion of Senator Royall, Committee Amendment No. 1 is adopted, changing the bill, upon concurrence, to a joint resolution and the title to read, **H. J. R. 988,** a joint resolution authorizing the Legislative Research Commission to study the regulation of nonpublic and public post-secondary educational institutions.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1000, a bill to increase the maximum amount motor clubs may reimburse for emergency road service.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1026, a bill relating to the formation of new political parties to conform with federal court rulings.

On motion of Senator Woodard, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1037, a bill making the Commissioner of Insurance an ex officio member of the Public Officers and Employees Liability Insurance Commission.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1062, a bill to provide that the fact that a person owns ten percent or less of the stock of a corporation or has a ten percent or less ownership in any other business entity or is an employee of a corporation or other business entity does not violate the Director of Public Trust statutes, upon third reading.

The bill passes its third reading and is ordered enrolled.

H. B. 1070, a bill to clarify that judges of election, like other precinct officials, may register voters anywhere in the county.

The bill passes its second reading.

On objection of Senator Allsbrook to its third reading, the bill remains on the Calendar for further consideration.

H. B. 1089, a bill to allow community theatres to qualify for certain ABC permits.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

Senator Lawing offers Amendment No. 2 which is adopted.

The bill, as amended, passes its second reading.

Debate continues and Senator Redman, seconded by Senator Kincaid, offers a motion that the bill, as amended, do lie upon the table, which motion fails to prevail.

On objection of Senator Allsbrook to its third reading, the bill, as amended, remains on the Calendar for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 139, an act to allow the purchase of creditable service with the State retirement systems for leaves of absence when in receipt of workers' compensation. (Ch. 533)

S. B. 230 (Committee Substitute), an act to amend the Buncombe School Capital Fund Commission Act. (Ch. 534)

H. B. 186 (Committee Substitute No. 2), an act to amend Chapter 110 of the General Statutes to establish procedures for the provision of nonrecipient services as required by federal law. (Ch. 527)

H. B. 345 (Committee Substitute No. 2), an act to allow water and sewer authorities to defend officers, employees, and governing board members and pay any or all of a claim made or civil judgment entered against any of them. (Ch. 525)

H. B. 493, an act to implement the constitutional amendment regarding appeal of Utilities Commission orders. (Ch. 526)

H. B. 711 (Senate Committee Substitute), an act to specifically include money used in drug dealing as property subject to forfeiture under the Controlled Substances Act. (Ch. 528)

H. B. 723 (Senate Committee Substitute No. 2), an act to specify when a processing fee may be charged for checks sent by mail and when a collection agency may collect a processing fee for returned checks. (Ch. 529)

H. B. 791 (Committee Substitute), an act to permit enforcement of child support and custody judgments while on appeal. (Ch. 530)

H. B. 838, an act to add nonviolent offenders in the twenty-one to twenty-four age group to the committed youthful offender law. (Ch. 531)

H. B. 913, an act to provide that when a district court judge transfers a juvenile felony case to superior court, the superior court has jurisdiction over that felony, any related offense, and any greater or lesser included offense of that felony. (Ch. 532)

On motion of Senator Lawing, seconded by Senator Hipps, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED-TWELFTH DAY

SENATE CHAMBER,
Thursday, June 16, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, in Whom is our strength and our refuge, we stand before You today as a people who yearn for peace, but seldom seem to find it. We long for peace of heart and soul, but keep ourselves stirred up with busy-ness, going around in circles so there is no peace in us. We long for peace in our relationships with family and friends, but lose it when we insist on having our own way. Especially, we long for peace among nations so that the ultimate horror of destruction will not be our legacy to the world, but we do not seem to be able to trust each other nor to understand each other so that peace seems hardly more than a dream to us. Slow us down, Lord, long enough to discover what is really important in our lives, and then, by Your Grace, help us to strive not toward what our selfish nature wants, but toward Your goals of peace, compassion and justice for all people. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harris of Mecklenburg and Hipps for Thursday and Friday, June 16 and 17.

The Chair declares the voting equipment inoperative.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 402 (Committee Substitute), a bill to make certain revisions and additions to the credit union law, with a favorable report, as to concurrence.

H. B. 1147, a bill to increase the value of work that may be done without a building permit for small jobs, with a favorable report.

By Senator Speed for the **Education Committee:**

S. B. 143, a bill to enhance the role of the State Board of Education as the principal voice for elementary and secondary education in North Carolina, with a favorable report.

On motion of Senator Speed, the bill is re-referred to the **Appropriations Committee.**

S. B. 547, a bill to clarify the responsibility of the State Board of Education for the State's school transportation system, with a favorable report.

S. B. 567, a bill to amend Article 10 of Chapter 115C of the General Statutes pertaining to vocational education, with a favorable report, as amended.

S. B. 603, a bill to establish a single legal age for initial entry into the public school system in North Carolina, with a favorable report, as amended.

H. B. 1176, a bill to give public schools equal priority in borrowing library films, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 462, a bill to exempt certain personal representatives and guardians from the requirement of producing expense vouchers or verified proof, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 462** (Committee Substitute), a bill to require banks and savings and loan associations to produce an affidavit when acting as personal representative, collector or guardian, is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 20.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 368, a bill to provide the North Carolina Government-in-the-Sunshine Law, with an unfavorable report.

H. B. 922, a bill to make witness intimidation a felony, with a favorable report.

H. B. 1093, a bill to ensure that new auto buyers have adequate remedies against auto manufacturers, with a favorable report.

On motion of Senator Barnes of Wayne, the bill is placed on the Calendar for Tuesday, June 21.

H. B. 1202, a bill to require a filing of a notice of appeal within thirty days in all appeals taken from decisions or orders of the Property Tax Commission, with a favorable report.

By Senator Childers for the **Manufacturing, Labor and Commerce Committee:**

S. B. 408 (House Committee Substitute No. 2), a bill to amend the law governing plumbing and heating contractors to redefine "heating, group number three" and "contractor", with a favorable report, as to concurrence.

S. B. 524, a bill to extend death benefits under the Workers' Compensation Act, with a favorable report.

H. B. 1108, a bill to amend G. S. 97-28 to permit use of leave during the first seven days of disability under the Worker's Compensation Act, with a favorable report, as amended.

By Senator Hancock for the **State Government/Election Laws Committee:**

S. B. 506, a bill to strengthen the role of political parties in election financing, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hancock, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hancock, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 20.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Speed:

S. B. 626, a bill to tax all commercially manufactured swine, livestock, and poultry equipment used by farmers at a uniform rate.

Referred to **Finance Committee.**

By Senators Davis, Childers, Harris of Cleveland, and Marvin:

S. R. 627, a Senate resolution directing the 1983 Senate Committee on Pensions and Retirement to study the issue of certain local governmental employees' retirement system inequities.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Allsbrook:

S. B. 629, a bill to eliminate the fee for special civil air patrol plates.

Referred to **Ways and Means/Transportation Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 90 (Committee Substitute), a bill to amend Chapter 15A of the General Statutes to establish procedures to insure payment of child support, for concurrence in House Amendments Nos. 1, 2, and 3 which are placed on the Calendar for tomorrow, June 17.

H. B. 79, a bill to modify the regulation of hazardous waste and PCB landfills.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 925, a bill to amend G. S. 58-43 relating to nonresident agents.

Referred to **Insurance Committee.**

H. B. 1144, a bill to abolish all grounds for absolute divorce except separation.

Referred to **Judiciary I Committee.**

H. B. 1162, a bill to clarify the responsibility of the State Board of Education for the State's school transportation system.

Referred to **Education Committee.**

H. B. 1206, a bill pertaining to the use of school buses in Brunswick County.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 1226, a bill to clarify the time when municipal ordinances are introduced.
Referred to **Judiciary II Committee.**

H. B. 1228, a bill to make notice provisions consistent in actions for support and custody of minor children.
Referred to **Judiciary II Committee.**

H. B. 1260, a bill to make technical conforming changes in the rape indictment statute as a result of Chapter 175 of the Session Laws of 1983.
Referred to **Judiciary I Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Royall presides over a portion of today's Session.)

S. J. R. 211 (House Committee Substitute), a joint resolution urging the United States Government to refrain from ocean disposal of decommissioned nuclear submarines off the North Carolina coast, for concurrence in the House Committee Substitute bill.

On motion of Senator Daniels, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 251 (Committee Substitute), a bill to permit county commissioners to adopt substantially equivalent policies for portions of the State Personnel Act for county employees subject to Chapter 126.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 333, a bill to reduce the years a judge must have served before retirement to qualify as an emergency judge.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 383 (Committee Substitute), a bill to provide for the establishment of an authority to construct, maintain, and operate civic center facilities in Catawba County, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar upon third reading.

S. B. 387 (Committee Substitute), a bill to amend Article I of Chapter 87 of the General Statutes as the same relates to builders of residential housing.

The Committee Substitute bill passes its second reading.

On objection of Senator Kincaid to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 407 (Committee Substitute), a bill to require appellate counsel for indigent noncapital criminal defendant to make certain certifications with respect to appeals, as amended.

Without objection, the Chair orders the Committee Substitute bill, as amended, engrossed and re-referred to the **Appropriations Committee.**

S. B. 513, a bill to establish unique and relevant education and training standards for sheriffs, their deputies, and other personnel, for concurrence in House Amendment No. 1.

On motion of Senator Rand, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. J. R. 563, a joint resolution honoring the life and memory of Marion D. Thorpe.

On motion of Senator Daniels, consideration of the joint resolution is postponed until Monday, June 27.

S. J. R. 572, a joint resolution memorializing the Congress to pass emergency legislation to open up the treacherous channel at Oregon Inlet.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 579, a bill to revise the lease provisions pertaining to cultivation of oysters and clams.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 584, a joint resolution calling upon the Speaker of the House of Representatives and the President of the Senate to appoint a legislative delegation to attend ceremonies in Great Britain celebrating the Four Hundredth Anniversary of the Roanoke Voyages.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 586, a joint resolution honoring Lee Burrus Nichols, a former member of the General Assembly.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 589, a joint resolution urging the United States Department of Defense to cooperate with State and local officials to provide coastal surveillance to aid in drug law enforcement.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 599, a bill to allow community water systems the same exemption from boiler regulations as now available to private residences and small apartment houses for their hydropneumatic pressure tanks.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 618, a bill to give the City of Eden authority to abolish the City of Eden Employees' Retirement System upon transfer of employees to the North Carolina Local Governmental Employees' Retirement System.

On motion of Senator Duncan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 291 (Senate Committee Substitute), a bill to provide that the New Hanover County Board of Commissioners shall be elected from districts, and to expand the Board to seven seats, subject to a referendum.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 292 (Senate Committee Substitute), a bill to provide a referendum on the question of changing the manner of election of the Wilmington City Council.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 347 (Committee Substitute), a bill to amend Chapter 669 of the Session Laws of 1943, As Amended, to give the Board of Commissioners of the County of New Hanover the authority to terminate the retirement system of New Hanover County, North Carolina.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 366, a bill to provide a Supplemental Retirement Fund for firemen in the City of New Bern and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the City of New Bern.

The bill passes its second and third readings and is ordered enrolled.

H. B. 456, a bill to reinstate portions of the previous provisions of law regarding the treatment of reemployed retirees in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System.

The bill passes its second and third readings and is ordered enrolled.

H. B. 603, a bill to amend Chapter 55 of the Private Laws of 1915, As Amended, to provide that the Police Pension Fund of Wilmington shall be administered by the Pension Board of the City of Wilmington.

The bill passes its second and third readings and is ordered enrolled.

H. J. R. 621 (Committee Substitute), a joint resolution encouraging local boards of education to schedule teacher workdays within ten days of election day on election day.

The Committee Substitute joint resolution passes its second and third readings and is ordered enrolled.

H. B. 716 (Committee Substitute), a bill to assure unemployment insurance trust fund solvency and compliance with federal law, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford,

Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Tuesday, June 21, upon third reading.

H. B. 737 (Committee Substitute), a bill to amend the Employment Security Law to assure federal compliance and other technical amendments.

On motion of Senator Childers, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Martin to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 832 (Committee Substitute), a bill to accelerate the parole of certain inmates when necessary for effective prison management.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1070, a bill to clarify that judges of election, like other precinct officials, may register voters anywhere in the county, upon third reading.

The bill passes its third reading and is ordered enrolled.

H. B. 1089, a bill to allow community theatres to qualify for certain ABC permits, as amended, upon third reading.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1 and 2.

H. B. 1104, a bill to require extraterritorial representation on the planning agency when matters concerning the extraterritorial area are acted upon.

On motion of Senator Guy, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 507, an act to amend the laws regarding the opening of textbook bids and to require local school boards to remit textbook fees to the State Board on an annual basis. (Ch. 549)

H. B. 129 (Senate Committee Substitute), an act to provide that the Division of Motor Vehicles may not issue a driver's license to a person whose license was cancelled in another jurisdiction. (Ch. 545)

H. B. 554, an act pertaining to insurance and regulation of hazardous waste landfill facilities. (Ch. 546)

H. B. 588, an act to amend Chapter 495 of the Session Laws of 1977 to clarify the effect of said act, which is a codification of the Charter of the City of Wilmington, on other acts. (Ch. 535)

June 16, 1983

H. B. 605 (Committee Substitute), an act to amend G. S. 20-13 and G. S. 20-16 relating to suspension of drivers' licenses of provisional licensees and licensees holding motor vehicle operators' licenses. (Ch. 538)

H. B. 681 (Senate Committee Substitute), an act to allow the Parole Commission to impose additional conditions of parole on fair sentence inmates. (Ch. 547)

H. B. 690, an act to provide for the return of patients to treatment facilities. (Ch. 548)

H. B. 694, an act to repeal the requirement of a new registration of voters upon incorporation of a municipality and simultaneous dissolution of a sanitary district. (Ch. 537)

H. B. 774, an act regarding probation revocation in a county other than the county of original conviction. (Ch. 536)

H. B. 886 (Committee Substitute), an act to provide for reasonable beach access within the Town of Emerald Isle. (Ch. 539)

H. B. 916 (Committee Substitute), an act to establish the Governor's Management Council. (Ch. 540)

H. B. 978 (Committee Substitute), an act to amend G. S. 24-10 concerning fees on second mortgages. (Ch. 541)

H. B. 1000, an act to increase the maximum amount motor clubs may reimburse for emergency road service. (Ch. 542)

H. B. 1037, an act making the Commissioner of Insurance an ex officio member of the Public Officers and Employees Liability Insurance Commission. (Ch. 543)

H. B. 1062, an act to provide that the fact that a person owns ten percent or less of the stock of a corporation or has a ten percent or less ownership in any other business entity or is an employee of a corporation or other business entity does not violate the Director of Public Trust statutes. (Ch. 544)

On motion of Senator Royall, seconded by Senator Swain, the Senate adjourns to meet tomorrow at 11:00 A.M.

ONE HUNDRED-THIRTEENTH DAY

SENATE CHAMBER,
Friday, June 17, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"The earth is full of signs of Your presence, O Lord. In the beauty of the natural order, the symmetry and balance of the universe, the care and concern of human beings for each other. At the same time, we are conscious of parts of Your world that are not in harmony — where Your presence seems remote — in the face of a hungry child, the cries

of a family in distress, the fear of people caught in a web of violence. Remind each of us, O God, that this world is far from the perfection that You want and expect it to know and that our task as Your servants is to be at work in Your world bringing harmony, order, abundance, and hope — not for our glory but for Yours. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Hancock for today.

Leaves of absence granted previously to Senators Hipps and Harris of Mecklenburg are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 424, a bill relating to the motor vehicle dealers and manufacturers licensing law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senate Allsbrook, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 21, as a special order of business, No. 3.

By Senator Duncan for the **Finance Committee:**

H. B. 278 (Committee Substitute), a bill to enact the Tax Adjustment Act of 1983, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 20.

By Senator Soles for the **Judiciary II Committee:**

S. B. 608, a bill to validate certain recorded maps and plats, with a favorable report.

H. B. 38 (Committee Substitute No. 2), a bill to rewrite and repeal certain criminal statutes regarding contracts between landlords and tenants, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 21.

H. B. 1214, a bill to allow a written waiver of appearance by defendants charged with hunting, fishing, or boating offenses, with a favorable report.

By Senator Rand, Vice-Chairman for the **Judiciary III Committee:**

H. B. 96 (Committee Substitute), a bill to simplify and codify the rules of evidence, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rand, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 21.

By Senator Guy for the **Public Utilities and Energy Committee:**

H. B. 592, a bill to allow the New Hanover County Board of Education to pay its ten-month employees on or before the eighteenth day of each month, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Warren:

S. B. 630, a bill to create the Public Education Policy Council.
Referred to **Education Committee.**

By Senators Edwards of Guilford, Alford, Allred, Ballenger, Childers, Daniels, Davis, Duncan, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Cleveland, Hunt, Jenkins, Jordan, Kincaid, Marion, Marvin, Parnell, Plyler, Rauch, Redman, Royall, Speed, Staton, Swain, Thomas of Henderson, Tison, Walker, Ward, Warren, and Wright:

S. B. 631, a bill to amend the Constitution to expand the punishments for conviction of a crime.
Referred to **Judiciary II Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 89 (House Committee Substitute), a bill to amend Chapter 50 of the General Statutes to establish procedures to insure payment of child support, for concurrence in the House Committee Substitute bill.
Referred to **Judiciary II Committee.**

S. B. 357 (House Committee Substitute), a bill to revise the license provisions pertaining to marine fisheries and to repeal the seafood tax, for concurrence in the House Committee Substitute bill which is placed on the Calendar for Monday, June 20.

H. B. 206, a bill to simplify the listing of real and personal property in time-sharing arrangements.

Referred to **Finance Committee.**

H. B. 433 (Committee Substitute), a bill to be entitled an action under Chapter 50 to protect the property of an incompetent spouse but to prevent the entry of a divorce decree on behalf of the incompetent.

Referred to **Judiciary II Committee.**

H. B. 434 (Committee Substitute), a bill to provide a statutory short form power of attorney and a durable power of attorney statute as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee.**

H. B. 909, a bill to amend Article V of the Constitution of North Carolina to authorize the General Assembly to create an agency to issue revenue bonds to finance agricultural facilities projects, subject to the approval of the electorate.

Referred to **Judiciary II/Constitutional Amendments Committee.**

H. B. 910 (Committee Substitute), a bill creating the North Carolina Agricultural Facilities Finance Agency and authorizing said agency to finance the construction, acquisition and development of agricultural facilities.

Referred to **Finance Committee.**

H. B. 1127 (Committee Substitute), a bill to amend G. S. 143B-417 to provide that the justices of the Supreme Court and Judges of the Court of Appeals be included among the offices to which student interns may be assigned.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 1130, a bill to clarify the Rape Victim Assistance Program by specifying that ambulance and mental health counseling costs are covered and to provide approved kits for the collection of medical evidence in rape cases.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 1139, a bill setting the distribution of profits from the sales of beer and wine in townships.

Referred to **Finance Committee.**

H. B. 1192, a bill to require a conference on jury instructions.

Referred to **Judiciary II Committee.**

H. B. 1197, a bill to amend the Workers' Compensation Security Fund Act.

Referred to **Manufacturing, Labor and Commerce Committee.**

H. B. 1198, a bill to regulate the taking of exotic species of wild animals and birds or species not indigenous to the area.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 1199, a bill to clarify the position of County Commissioners serving on other boards whose members are appointed by the Board of County Commissioners.

Referred to **Judiciary III Committee.**

H. B. 1213, a bill to prevent the use of artificial lights in taking depredating deer.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H. B. 1215, a bill to classify methaqualone as a Schedule I controlled substance.
Referred to **Human Resources Committee.**

H. B. 1222, a bill to allow county service districts established for fire protection purposes to also furnish emergency medical, rescue and ambulance services.
Referred to **Finance Committee.**

H. B. 1229, a bill to exempt make-up artists from the definition of cosmetologist.
Referred to **State Government Committee.**

H. B. 1241, a bill to provide that when a vacancy occurs in the Office of Sheriff of Richmond County, the Clerk of the Superior Court shall appoint a person as Sheriff from the same political party as his predecessor.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 1288, a bill regarding community development block grant funds received and expended in Person County between July 1, 1983 and June 30, 1985.
On motion of Senator Royall, the rules are suspended, and the bill is placed before the Senate for immediate consideration.
The bill passes its second and third readings and is ordered enrolled.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(The President declares the voting equipment inoperative for a portion of today's Session.)

S. B. 90 (Committee Substitute), a bill to amend Chapter 15A of the General Statutes to establish procedures to insure payment of child support, for concurrence in House Amendments Nos. 1, 2 and 3.
On motion of Senator Marvin, the Senate concurs in House Amendments Nos. 1, 2, and 3 and the Committee Substitute bill, as amended, is ordered enrolled.

S. B. 158 (Committee Substitute), a bill to surrogate the Teachers' and State Employees' Comprehensive Major Medical Plan to the rights of enrollees upon payment of benefits.
On motion of Senator Edwards of Caldwell, the Committee Substitute bill is re-referred to the **Insurance Committee** (electronically recorded).

S. B. 383 (Committee Substitute), a bill to provide for the establishment of an authority to construct, maintain, and operate civic center facilities in Catawba County, upon third reading.
The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:
Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Hunt, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—42.
Voting in the negative: None.
The Committee Substitute bill is ordered sent to the House of Representatives.

S. B. 387 (Committee Substitute), a bill to amend Article I of Chapter 87 of the General Statutes as the same relates to builders of residential housing, upon third reading.

Senator Johnson offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 402 (House Committee Substitute), a bill to make certain revisions and additions to the credit union law, for concurrence in the House Committee Substitute bill.

On motion of Senator Edwards of Caldwell, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 408 (House Committee Substitute No. 2), a bill to amend the law governing plumbing and heating contractors to redefine "heating, group number three" and "contractor."

On motion of Senator Staton, the Senate concurs in House Committee Substitute bill No. 2 and the bill is ordered enrolled.

S. B. 481 (Committee Substitute), a bill to establish qualifications for members of the Utilities Commission.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 524, a bill to extend death benefits under the Workers' Compensation Act.

On motion of Senator Staton, consideration of the bill is postponed until Monday, June 20.

S. B. 547, a bill to clarify the responsibility of the State Board of Education for the State's school transportation system.

The bill passes its second reading (electronically recorded).

On objection of Senator Allred to its third reading, the bill remains on the Calendar for further consideration.

S. B. 567, a bill to amend Article 10 of Chapter 115C of the General Statutes pertaining to vocational education.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading.

On objection of Senator Swain to its third reading, the bill, as amended, remains on the Calendar for further consideration.

S. B. 603, a bill to establish a single legal age for initial entry into the public school system in North Carolina.

On motion of Senator Speed, consideration of the bill is postponed until Monday, June 20.

H. B. 737 (Committee Substitute), a bill to amend the Employment Security Law to assure federal compliance and other technical amendments, as amended, upon third reading.

Senator Soles offers Amendment No. 2.

On motion of Senator Thomas of Craven, consideration of the Committee Substitute bill, as amended, with pending Amendment No. 2 is postponed until Tuesday, June 21 (electronically recorded).

H. B. 776, a bill to make miscellaneous changes in local laws affecting Orange County.

On motion of Senator Hunt, consideration of the bill is postponed until Thursday, June 23.

H. B. 922, a bill to make witness intimidation a felony.

On motion of Senator Jenkins, the bill is recommitted to the **Judiciary III Committee.**

H. B. 1108, a bill to amend G. S. 97-28 to permit use of leave during the first seven days of disability under the Worker's Compensation Act.

On motion of Senator Childers, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1147, a bill to increase the value of work that may be done without a building permit for small jobs.

Senator Lawing offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second reading.

On objection of Senator Harris of Cleveland to its third reading, the bill, as amended, remains on the Calendar for further consideration.

H. B. 1176, a bill to give public schools equal priority in borrowing library films.

Senator Lawing offers Amendment No. 1 which fails of adoption.

Without objection, the Chair orders the bill re-referred to the **Appropriations Committee.**

H. B. 1202, a bill to require the filing of a notice of appeal within thirty days in all appeals taken from decisions or orders of the Property Tax Commission.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 211 (House Committee Substitute), a joint resolution urging the United States Government to refrain from ocean disposal of decommissioned nuclear submarines off the North Carolina coast. (Res. 30)

S. B. 280 (Committee Substitute), an act to amend and clarify the provisions of law relative to the North Carolina Public Employee Deferred Compensation Plan. (Ch. 559)

S. B. 404, an act to clarify statutory provisions regarding good conduct time credits in reduction of prison sentences. (Ch. 560)

S. B. 411, an act to permit the issuance of revenue bonds and revenue notes by the State of North Carolina and agencies thereof as hereinafter authorized by the General Assembly. (Ch. 554)

S. J. R. 468, a joint resolution requesting the State's Congressional Delegation to encourage the United States Fish and Wildlife Service to adjust the federal bird hunting season limitations so as to restore to the waterfowl hunters of North Carolina the hunting days lost by reason of the State's prohibition of hunting with firearms on Sunday. (Res. 32)

S. B. 513, an act to establish unique and relevant education and training standards for sheriffs, their deputies, and other personnel. (Ch. 558)

H. B. 347 (Committee Substitute), an act to amend Chapter 669 of the Session Laws of 1943, As Amended, to give the Board of Commissioners of the County of New Hanover the authority to terminate the retirement system of New Hanover County, North Carolina. (Ch. 550)

H. B. 366, an act to provide a Supplemental Retirement Fund for firemen in the City of New Bern and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the City of New Bern. (Ch. 551)

H. B. 456, an act to reinstate portions of the previous provisions of law regarding the treatment of reemployed retirees in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System. (Ch. 556)

H. B. 603, an act to amend Chapter 55 of the Private Laws of 1915, As Amended, to provide that the Police Pension Fund of Wilmington shall be administered by the Pension Board of the City of Wilmington. (Ch. 552)

H. J. R. 621 (Committee Substitute), a joint resolution encouraging local boards of education to schedule teacher workdays within ten days of election day on election day. (Res. 31)

H. B. 832 (Committee Substitute), an act to accelerate the parole of certain inmates when necessary for effective prison management. (Ch. 557)

H. B. 1070, an act to clarify that judges of election, like other precinct officials, may register voters anywhere in the county. (Ch. 553)

H. B. 1140, an act to permit taking striped bass from the Tar River with bow nets and dip nets under certain conditions. (Ch. 555)

On motion of Senator Lawing, seconded by Senator Speed, the Senate adjourns to meet Monday at 7:00 P.M.

ONE HUNDRED-FOURTEENTH DAY

SENATE CHAMBER,
Monday, June 20, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, as we gather here to begin a new week of work, hear our prayer for the people who administer the laws that are written here, and for those employed by this State to carry out the mandates given to them by the women and men of this Senate. We pray for those who work on the roads, teach in the schools, encourage the arts, guard the prisons, comfort and heal the sick, and engage in the other tasks which make up the work

of this State. We thank You for their dedication, their patience and their willingness to be servants of all. Help them and us to remember that public service is a high calling, worthy of our respect and our gratitude. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Duncan for tonight and to Senator Woodard for tomorrow, June 21.

The President declares the voting equipment inoperative.

The President recognizes the following pages serving in the Senate this week: Susan Burch, Edneyville; Sloan Carroll, Roanoke Rapids; Sherry Dillahunt, New Bern; Leesa Faires, Charlotte; Andrew Fox, Gastonia; Meg Freeman, Greensboro; Bill Fuller, Greensboro; Mark Harris, Winston-Salem; Edison Hawkins, Henderson; Chuck Heatherly, Raleigh; Jeannie Harvey, Pantego; Claire Hill, Fayetteville; Sam Hill, Fayetteville; Todd Hudson, Winterville; Reggie Imamura, Winston-Salem; Kevin Lee, Raleigh; Scott McLelland, Statesville; Greg Millsaps, Stony Point; Felisa Neuringer, Swannanoa; Donna Pierce, Greenville; Kim Poe, Greensboro; Patrick Renegar, Wilmington; Austin Respass, Columbia; Ashly Smith, Swannanoa; Shelley Thomas, Roanoke Rapids; and Sandra Williams, Windsor.

RE-REFERRAL

S. J. R. 409, a joint resolution honoring the brave life of Anthony Clyde Corn.

The Chair orders the joint resolution, reported from committee May 12, placed on the Calendar for Wednesday, June 22.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harrington for the **Ways and Means Committee:**

H. B. 147, a bill to allow all hospitals owned and operated by a county to receive semiannual sales tax refunds, with a favorable report.

H. B. 648, a bill to allow the Transylvania County Board of Education to transfer certain property to nonprofit civic improvement organizations, with a favorable report.

By Senator Harrington for the **Ways and Means/Small Business Committee:**

H. B. 731, a bill to authorize the Tyrrell County Board of Education to enter into certain contracts without complying with the provisions of Chapter 133 and of Article 8 of Chapter 143 of the General Statutes, with a favorable report.

By Senator Harrington for the **Ways and Means/Transportation Committee:**

H. B. 122 (Committee Substitute), a bill to amend G. S. 20-108 to provide for seizure and disposition of motor vehicles or component parts which do not carry identifying numbers or carry altered, changed or obliterated numbers, with a favorable report.

H. B. 137 (Committee Substitute), a bill to allow public and nonprofit human services programs to purchase permanent license tags for agency vehicles, and to increase the fee for permanent registration plates issued to the State and certain nonprofit organizations, with a favorable report.

H. B. 773, a bill to authorize the Department of Transportation to lease the right-of-way of Interstate Highway 40 to the City of Winston-Salem for a parking facility, with a favorable report, as amended.

H. B. 970, a bill regarding suspension of a driver's license for failure to maintain the required security or insurance, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Walker, Gray, Marvin, and Royall:

S. B. 632, a bill to provide funds for the Advocacy Center for Children's Education and Parent Training.
Referred to **Appropriations Committee.**

By Senator Tally:

S. B. 633, a bill to modify the juvenile admission laws.
Referred to **Human Resources Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 392 (Committee Substitute), a bill to clarify the authority to issue custody orders applicable to juveniles within the juvenile jurisdiction of the district court and the criteria for custody orders, for concurrence in House Amendment Nos. 1 and 2 which is placed on the Calendar for tomorrow, June 21.

H. B. 204 (Committee Substitute), a bill to amend the Machinery Act.
Referred to **Finance Committee.**

H. B. 459 (Committee Substitute), a bill exempting the County of Gaston from the provisions of Article 12, Chapter 160A of the General Statutes, as to leases of real estate owned by it known as Gaston Memorial Hospital Property and the sale of personal property used for the hospital.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 620, a bill to revise and consolidate the Charter of the City of Southport and to repeal prior local acts.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 644, a bill to allow Gaston County to regulate vehicle towing businesses within the unincorporated areas of Gaston County.
Referred to **Finance Committee.**

H. B. 705, a bill to increase judicial discretion in decisions affecting pretrial release.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 849 (Committee Substitute), a bill to permit Edgecombe County to sell impounded dogs and cats to registered institutions.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 945, a bill concerning the reporting of certain transactions in United States currency.
Referred to **Finance Committee.**

H. B. 1016, a bill to amend the subpoena law relating to medical records.
Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. B. 1155, a bill to amend the definition of electrical contracting.
Referred to **Manufacturing, Labor and Commerce Committee.**

H. B. 1160 (Committee Substitute), a bill to make the employees of the Agency for Public Telecommunications subject to the State Personnel Act.
Referred to **State Government Committee.**

H. B. 1249, a bill to include two satellite areas within the corporate limits of the Town of Bakersville.
Referred to **Local Government and Regional Affairs Committee.**

H. B. 1253, defining legislative bribery and consolidating the statutes relating thereto.
Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 357 (House Committee Substitute), a bill to revise the license provisions pertaining to marine fisheries and to repeal the seafood tax, for concurrence in the House Committee Substitute bill.
On motion of Senator Thomas of Craven, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 462 (Committee Substitute), a bill to require banks and savings and loan associations to produce an affidavit when acting as personal representative, collector or guardian.
On motion of Senator Staton, consideration of the Committee Substitute bill is postponed until Tuesday, June 21.

S. B. 506 (Committee Substitute), a bill to strengthen the role of political parties in election financing.
The Committee Substitute bill passes its second reading.
On objection of Senator Walker to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 524, a bill to extend death benefits under the Workers' Compensation Act.
The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 547, a bill to clarify the responsibility of the State Board of Education for the State's school transportation system, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 567, a bill to amend Article 10 of Chapter 115C of the General Statutes pertaining to vocational education, as amended, upon third reading.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 603, a bill to establish a single legal age for initial entry into the public school system in North Carolina.

On motion of Senator Speed, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 608, a bill to validate certain recorded maps and plats.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 278 (Senate Committee Substitute), a bill to enact the Tax Adjustment Act of 1983, upon second reading.

Senator Daniels offers Amendment No. 1 which is adopted.

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 6, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Martin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, and Woodard—41.

Voting in the negative: Senators Allred, Ballenger, Harris of Mecklenburg, Kincaid, Marion, and Wright—6.

The Senate Committee Substitute bill remains on the Calendar upon third reading.

H. B. 592, a bill to allow the New Hanover County Board of Education to pay its ten-month employees on or before the eighteenth day of each month.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1147, a bill to increase the value of work that may be done without a building permit for small jobs, as amended, upon third reading.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1214, a bill to allow a written waiver of appearance by defendants charged with hunting, fishing, or boating offenses.

The bill passes its second reading.

On objection of Senator Rand to it third reading, the bill remains on the Calendar for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 90 (Committee Substitute), an act to amend Chapter 15A of the General Statutes to establish procedures to insure payment of child support. (Ch. 567)

S. B. 402 (Committee Substitute), an act to make certain revisions and additions to the credit union law. (Ch. 568)

S. B. 408 (House Committee Substitute No. 2), an act to amend the law governing plumbing and heating contractors to redefine "heating, group number three" and "contractor." (Ch. 569)

H. B. 455 (Committee Substitute), an act to establish uniform regular and special conditions of probation. (Ch. 561)

H. B. 471, an act to require a supervision fee of all persons placed on parole. (Ch. 562)

H. B. 744 (Committee Substitute), an act to amend G. S. 14-320.1 to recognize child custody orders issued in other states. (Ch. 563)

H. B. 947 (Committee Substitute), an act concerning the harboring of individuals known to be the subject of outstanding warrants for arrest. (Ch. 564)

H. B. 1202, an act to require the filing of a notice of appeal within thirty days in all appeals taken from decisions or orders of the Property Tax Commission. (Ch. 565)

H. B. 1288, an act regarding community development block grant funds received and expended in Person County between July 1, 1983 and June 30, 1985. (Ch. 566)

On motion of Senator Lawing, seconded by Senator Swain, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED-FIFTEENTH DAY

SENATE CHAMBER,
Tuesday, June 21, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"O Lord Our God, the Author of all things, we thank You for all Your mercies and Your loving care for all Your creation. We bless You for the gift of life, for Your protection all around us, for Your guiding hand upon us, and for all the tokens of Your love. Most of all we thank You for Your Spirit who comes to us as comforter and counselor, and for the hope we have that You will accomplish Your will through us and bring the world into harmony. As we seek to do our part in bringing Your purpose and will to the earth, we pray that the Spirit will work in us and through us, guiding and directing our thoughts and actions, to the end that what we say and what we do, and what we are, may bring glory to Your Name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Woodard is noted.

The President declares the voting equipment inoperative.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Higher Education Committee:**

H. B. 1044, a bill to authorize local administrative boards of community colleges to establish cooperative programs with high schools, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 587, a bill prohibiting contests involving firearms on or near an ABC permit holder's premises, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 23.

H. B. 37 (Committee Substitute), a bill to recodify certain criminal statutes regarding jail confinements, with a favorable reports, as amended.

H. B. 890, a bill to allow all sanitary districts to exercise all powers permitted by the Sanitary District Law, with a favorable report.

H. B. 1144, a bill to abolish all grounds for absolute divorce except separation, with a favorable report.

By Senator Hancock for Senator Soles for the **Judiciary II Committee:**

S. B. 89 (House Committee Substitute), a bill to amend Chapter 50 of the General Statutes to establish procedures to insure payment of child support, with a favorable report, as to concurrence.

H. B. 1228, a bill to make notice provisions consistent in actions for support and custody of minor children, with a favorable report.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 607, a bill to ensure equal treatment of unemployed individuals who are members of National Guard units and unemployed individuals who are members of United States Armed Forces Reserve components, with a favorable report.

H. B. 856, a bill to clarify the definition of "rule" for purposes of administrative procedure, with a favorable report, as amended.

By Senator Hipps for the **Local Government and Regional Affairs Committee:**

H. B. 1132, a bill to remove certain property from the corporate limits of the Town of Tryon and to reincorporate the Town of Lynn, with a favorable report.

On motion of Senator Hipps, the rules are suspended and the bill is placed before the Senate for immediate consideration, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright—43.

Voting in the negative: Senators Ballenger and Kincaid—2.

The bill remains on the Calendar upon third reading.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 109, a bill to provide for the appointment of special library registration deputies to register voters in all public libraries, for concurrence in House Amendment Nos. 1 and 2 which is placed on the Calendar for tomorrow, June 22.

S. B. 181 (Committee Substitute), a bill to make judges and justices of the General Court of Justice inactive members of the State Bar, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 22.

S. B. 453, a bill to amend the authority of the Department of Transportation to set fees for signs, sign permits, and junkyard permits, for concurrence in House Amendment No. 1 which is placed on the Calendar for Thursday, June 23.

H. B. 656, a bill to annex certain territory to the Town of Wake Forest.

Referred to **Local Government and Regional Affairs Committee.**

H. B. 926 (Committee Substitute), a bill to amend G. S. 58-40(a) relating to the licensing of life insurance agents.

Referred to **Insurance Committee.**

H. B. 1191 (Committee Substitute), a bill to exempt private homes offering bed and breakfast accommodations from the food and lodging requirements of the public health laws.

Referred to **Human Resources Committee.**

H. B. 1221 (Committee Substitute), a bill to exempt certain limited partnership debt obligations from the application of the State's interest laws.

Referred to **Banking Committee.**

H. B. 1227 (Committee Substitute), a bill to authorize city and county clerks to administer oaths of office.

Referred to **Judiciary II Committee.**

H. B. 1239 (Committee Substitute), a bill to provide for disposal of personal and other property in condemned buildings.

Referred to **Judiciary II Committee.**

H. B. 1273 (Committee Substitute), a bill to abolish the Earth Resources Council. Referred to **Natural and Economic Resources and Wildlife Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

SPECIAL ORDER NO. 1

H. B. 53
(Senate Committee Substitute)

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **H. B. 53** (Senate Committee Substitute), a bill to make amendments concerning the Advisory Budget Commission and other boards to implement the recommendations of the Committee on Separation of Powers, as amended, upon third reading.

Senator Allsbrook offers Amendment No. 3 which is adopted.

The Senate Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

SPECIAL ORDER NO. 2

H. B. 193
(Committee Substitute)

The hour having arrived for the consideration of Special Order No. 2 the President of the Senate lays before the Senate Special Order No. 2, it being **H. B. 193** (Committee Substitute), a bill to make amendments concerning the Advisory Budget Commission to bond acts to implement the recommendations of the Committtee on Separation of Powers, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright—45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

SPECIAL ORDER NO. 3

S. B. 424
(Committee Substitute)

The hour having arrived for the consideration of Special Order No. 3, the President of the Senate lays before the Senate Special Order No. 3, it being **S. B. 424** (Committee Substitute), a bill relating to the motor vehicle dealers and manufacturers licensing law.

Senator Edwards of Guilford offers Amendments Nos. 1 and 2 which are adopted.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Rauch to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

S. B. 462 (Committee Substitute), a bill to require banks and savings and loan associations to produce an affidavit when acting as personal representative, collector or guardian.

Senator Allsbrook moves that the vote by which the Committee Substitute bill was adopted, be reconsidered, which motion prevails.

Without objection, Senator Allsbrook for the **Judiciary I Committee** withdraws the Committee Substitute bill and submits a corrected Committee Substitute bill.

On motion of Senator Allsbrook, the corrected Committee Substitute bill is adopted.

The Committee Substitute bill passes its second reading.

On objection of Senator Swain to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 506 (Committee Substitute), a bill to strengthen the role of political parties in election financing, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

H. B. 38 (Senate Committee Substitute), a bill to rewrite and repeal certain criminal statutes regarding contracts between landlords and tenants.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 96 (Senate Committee Substitute), a bill to simplify and codify the rules of evidence.

On motion of Senator Barnes of Wayne, the rules are suspended and Dean Kenneth S. Brown is granted courtesies of the floor to assist Senator Barnes in the explanation of the Senate Committee Substitute bill.

The Senate Committee Substitute bill passes its second reading.

On objection of Senator Winner to its third reading, the Senate Committee Substitute bill remains on the Calendar for further consideration.

H. B. 122 (Committee Substitute), a bill to amend G. S. 20-108 to provide for seizure and disposition of motor vehicles or component parts which do not carry identifying numbers or carry altered, changed or obliterated numbers.

The Committee Substitute bill passes its second reading.

On objection of Senator Jenkins to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 137 (Committee Substitute), a bill to allow public and nonprofit human services programs to purchase permanent license tags for agency vehicles, and to increase the fee for permanent registration plates issued to the State and certain nonprofit organizations, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of

Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Rand, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright—46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 278 (Senate Committee Substitute), a bill to enact the Tax Adjustment Act of 1983, as amended, upon third reading.

Senator Daniels offers Amendment No. 2 which is adopted, deleting Amendment No. 1 in its entirety.

The Senate Committee Substitute, as amended, passes its third reading by roll-call vote, ayes 42, noes 6, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Martin, Marvin, Parnell, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, and Winner—42.

Voting in the negative: Senators Allred, Ballenger, Harris of Mecklenburg, Kincaid, Marion, and Wright—6.

The Senate Committee Substitute bill, as amended, is ordered, without objection, sent to the House of Representatives by special messenger for concurrence in the Senate Committee Substitute bill.

H. B. 648, a bill to allow the Transylvania County Board of Education to transfer certain property to nonprofit civic improvement organizations.

The bill passes its second and third readings and is ordered enrolled.

H. B. 716 (Committee Substitute), a bill to assure unemployment insurance trust fund solvency and compliance with federal law, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright—46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H. B. 731, a bill to authorize the Tyrrell County Board of Education to enter into certain contracts without complying with the provisions of Chapter 133 and of Article 8 of Chapter 143 of the General Statutes.

The bill passes its second and third readings and is ordered enrolled.

H. B. 737 (Committee Substitute), a bill to amend the Employment Security Law to

assure federal compliance and other technical amendments, as amended, with pending Amendment No. 2, upon third reading.

Pending Amendment No. 2, offered by Senator Soles, is withdrawn.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1214, a bill to allow a written waiver of appearance by defendants charged with hunting, fishing, or boating offenses, upon third reading.

The bill passes its third reading and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 357 (House Committee Substitute), an act to revise the license provisions pertaining to marine fisheries and to repeal the seafood tax. (Ch. 570)

S. J. R. 562, a joint resolution honoring the life and memory of Fate James Beal. (Res. 34)

H. B. 384 (Committee Substitute), an act to make permanent the 120-day speedy trial law requirement and to make other changes. (Ch. 571)

H. B. 513 (Committee Substitute), an act to clarify the filing of a notice of appeal in all appeals taken from decisions or orders of the Utilities Commission. (Ch. 572)

H. B. 592, an act to allow the New Hanover County Board of Education to pay its ten-month employees on or before the eighteenth day of each month. (Ch. 573)

H. B. 892 (Committee Substitute), an act to amend G. S. 143B-450.1 to provide for provisional datagathering authority in the Energy Division of the Department of Commerce. (Ch. 575)

H. B. 942, an act relating to municipalities and procedures for the operation and financing of joint municipal power agencies. (Ch. 574)

H. J. R. 988, a joint resolution authorizing the Legislative Research Commission to study the regulation of nonpublic and public post-secondary educational institutions. (Res. 33)

H. B. 1026, an act relating to the formation of new political parties to conform with federal court rulings. (Ch. 576)

On motion of Senator Lawing, seconded by Senator Jenkins, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED-SIXTEENTH DAY

SENATE CHAMBER,
Wednesday, June 22, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Loving God, sometimes we find that in seeking after the truth we seem to be walking a tightrope and are pushed and pulled in many directions all at once. We do not want an arrogance that thinks we alone know the truth, but neither do we want to be paralyzed by the fear of choosing wrongly. Help us to maintain a healthy balance between false pride and agonizing self doubt. Enable us to be careful, honest, and humble in making all our decisions and assure us that we rest in Your love even when we make the wrong ones. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Jordan for today and for tomorrow, June 23, to attend the Pentagon promotion of General Maxwell Thurman, a High Point native, to Assistant Chief of Staff of the United States Army.

The President grants courtesies of the floor to Cy Bahakel, former Senator from Mecklenburg County and courtesies of the gallery to Robert B. Morgan, former United States Senator and former Attorney General of North Carolina.

The Chair declares the voting equipment inoperative.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 278
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
June 21, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for House Committee Substitute for H. B. No. 278, A BILL TO BE ENTITLED AN ACT TO ENACT THE TAX ADJUSTMENT ACT OF 1983 and requests conferees. The Speaker has appointed Representatives Quinn, Chairman; Miller, Watkins, Mavretic, Adams, Barbee, and Wicker on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Rauch moves that the President appoint conferees, which motion prevails. The President appoints Senators Rauch, Chairman; Duncan, Harris of Cleveland, Harrington, Hardison, Royall, and Lawing as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles,

together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris of Cleveland for the **Human Resources Committee:**

S. J. R. 585, a joint resolution recognizing and clarifying the policy of this State to afford the opportunity for mentally and developmentally disabled persons for adequate community support services, with a favorable report.

H. B. 115 (Committee Substitute), a bill to provide for the licensing of residential group care facilities for children, with a favorable report, as amended.

H. B. 758 (Committee Substitute), a bill to provide for court review of placement following certain terminations of parental rights, with a favorable report.

H. B. 995, a bill to grant certain domiciliary care facilities an exemption from reporting and uniform chart of accounts requirements, with a favorable report.

H. B. 1075, a bill to provide more rulemaking flexibility for the Child Day-Care Licensing Commission and to regulate temporary child day-care facilities, with a favorable report.

By Senator Jenkins for the **Insurance Committee:**

S. B. 216, a bill to regulate prepaid dental plans and prepaid dental plan organizations, with a favorable report.

On motion of Senator Jenkins, the bill is re-referred to the **Appropriations Committee.**

By Senator Soles for the **Judiciary II Committee:**

H. B. 911 (Committee Substitute), a bill to provide that the applicable court shall make the division of the settlement or judgment costs among joint tort-feasors in actions brought under the Workers' Compensation Act when they cannot agree and providing for limitations of its applicability, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 24.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

H. B. 79, a bill to modify the regulation of hazardous waste and PCB landfills, with a favorable report.

H. B. 1198, a bill to regulate the taking of exotic species of wild animals and birds or species not indigenous to the area, with a favorable report.

By Senator Plyler for the **Pensions and Retirement Committee:**

S. B. 14, a bill to eliminate mandatory retirement at age 70 for persons covered under the State Employees or Local Government Employees Retirement System, with a favorable report.

S. B. 217, a bill to permit members of the Teachers' and State Employees' Retirement System to purchase creditable service for temporary State employment by paying an amount equal to the full actuarial liability, with a favorable report.

S. B. 478, a bill to refund the amount of accumulated contributions in excess of the contributions required of other members of the Local Governmental Employees' Retirement System made by firemen not covered under the Social Security Act who were members of the Local Governmental Employees' Retirement System, with a favorable report.

S. B. 488, a bill to increase the defined benefit formula accrual rate in the Teachers' and State Employees' Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund from 1.57% to 1.60% for both active and retired members commencing on and after July 1, 1983, and to make appropriations, with a favorable report.

On motion of Senator Plyler, the bill is re-referred to the **Appropriations Committee.**

S. B. 492, a bill to allow unused sick leave to be counted in determining eligibility for service retirement with the Teachers' and State Employees' Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund and to make an appropriation, with a favorable report, as amended.

On motion of Senator Plyler, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S. B. 623, a bill to establish the Legislative Retirement System of North Carolina, with a favorable report.

On motion of Senator Plyler, the bill is re-referred to the **Appropriations Committee.**

By Senator Guy for the **Public Utilities and Energy Committee:**

H. B. 951 (Committee Substitute), a bill to amend and reorganize Chapter 159B of the General Statutes and to create a new article to provide for joint municipal assistance agencies and to make technical amendments to G. S. 128-1 and Article 3 of Chapter 159 of the General Statutes, with a favorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. J. R. 16, a joint resolution to permit the continuance of the work of the Legislative Research Commission's Study on the Problems of Aging as begun under Resolution 86 of the 1977 Session as amended by Resolution 106 of the 1977 Session and by Resolution 62 of the 1979 Session, and as reauthorized by Resolution 61 of the 1981 Session, with a favorable report.

On motion of Senator Lawing, the joint resolution is re-referred to the **Appropriations Committee.**

S. J. R. 620, a joint resolution authorizing the Legislative Research Commission to study the needs for the development of biotechnology in North Carolina, with a favorable report.

On motion of Senator Lawing, the joint resolution is re-referred to the **Appropriations Committee.**

H. B. 1050 (Committee Substitute), a bill creating a committee for a comprehensive study of the property tax system in North Carolina, with a favorable report.

On motion of Senator Lawing, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H. B. 1142, a bill to extend the study of the State's interests in railroad properties, with a favorable report.

On motion of Senator Lawing, the bill is re-referred to the **Appropriations Committee.**

By Senator Hancock for the **State Government Committee:**

S. B. 621, a bill to amend Chapter 85B, relating to auctions and auctioneers, with a favorable report.

By Senator Hancock for the **State Government/Election Laws Committee:**

S. B. 606, a bill to change the date on which members of county boards of elections, registrars and judges of elections are appointed, with a favorable report, as amended.

S. B. 628, a bill to give the State Board of Elections a longer period of time to determine nominees for the presidential primary, with a favorable report.

H. B. 906, a bill to set an earlier filing deadline for cities that use the nonpartisan plurality method of election, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hancock, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hancock, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 24.

By Senator Hancock for the **State Government/Housing Committee:**

H. B. 658 (Committee Substitute), a bill to protect renters of apartment buildings being converted to condominiums, with a favorable report, as amended.

By Senator Hancock for the **State Government/Veterans and Military Affairs Committee:**

H. B. 527, a bill making honorable discharge from the military a mitigating factor under the Fair Sentencing Act, with a favorable report.

By Senator Thomas of Henderson for the **Ways and Means Committee:**

H. B. 560 (Committee Substitute), a bill to empower Washington County Hospital and Chowan Hospital to use attachment and garnishment procedures for collecting unpaid bills, with an unfavorable report.

H. B. 1081, a bill to empower Lenior Memorial Hospital, Craven County Hospital Corporation, and Stokes-Reynolds Memorial Hospital to use attachment and garnishment procedures for collecting unpaid bills, with an unfavorable report.

H. B. 1087, a bill to empower certain named hospitals to use attachment and garnishment procedures for collecting unpaid bills, with an unfavorable report.

By Senator Thomas of Henderson for the **Ways and Means/Small Business Committee:**

H. B. 1116, a bill to require State agencies and political subdivisions to cooperate in efforts to promote the use of small, minority and women contractors in public construction and purchasing contracts, with a favorable report.

By Senator Thomas of Henderson for the **Ways and Means/Transportation Committee:**

S. B. 102, a bill to prohibit the operation of a motor vehicle with the view outward or inward through the windshield or windows obscured, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Henderson, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 102** (Committee Substitute), a bill to prescribe performance standards for motor vehicle sun screening devices, is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Henderson, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 24.

S. B. 602, a bill to amend Chapter 147 of the General Statutes to allow for the payroll deduction by a Department of Transportation employee required by Federal and State law to wear day-glo orange shirts or vests of the cost of uniform rental and insurance premiums, with a favorable report.

H. B. 974, a bill to prohibit colored license plate covers, with a favorable report.

H. B. 1231, a bill to amend G. S. 136-44.20 to provide for matching funds for inter-city rail and bus passenger service, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Swain:

S. B. 634, a bill regarding continuance of foreclosure hearings when all parties have not been properly served.

Referred to **Judiciary I Committee.**

By Senator Jenkins:

S. B. 635, a bill making the provisions of G. S. 8-53.6 as set forth in House Bill 235 ratified as Chapter 410 of the 1983 Session Laws applicable to certified social workers.

Referred to **Judiciary II Committee.**

By Senator Warren:

S. B. 636, a bill to repeal certain obsolete Department of Transportation Statutes.

Referred to **Judiciary III Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 372, a bill to assure that if the Western Residence of the Governor in Asheville is

damaged or destroyed, it will be repaired, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 23.

S. B. 550, a bill to include a woman law enforcement officer on the Criminal Justice Education and Training Standards Commission, for concurrence in House Amendments Nos. 1 and 2 which is placed on the Calendar for tomorrow, June 23.

S. B. 566, a bill to grant to gasohol a five cent partial exemption from the gasoline and special fuels tax, for concurrence in House Amendment No. 1.

On motion of Senator Royall, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

H. B. 775 (Committee Substitute), a bill to clarify a sheriff's personal liability for the acts of his deputy.

Referred to **Judiciary III/Law Enforcement and Criminal Justice Committee.**

H. J. R. 1080 (Committee Substitute), a joint resolution directing the State Board of Education to study the feasibility of allowing teachers to take up to twelve months of sabbatical leave.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 1237, a bill to restore the 1975 law on termination of employment of a county supervisor of elections.

Referred to **State Government/Election Laws Committee.**

H. B. 1245, a bill to make the rule making provisions of the Administrative Procedure Act applicable to the Industrial Commission.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 1254, a bill to change the date on which members of county boards of elections, registrars and judges of elections are appointed.

Referred to **State Government/Election Laws Committee.**

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from June 21, are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 392 (Committee Substitute), a bill to clarify the authority to issue custody orders applicable to juveniles within the juvenile jurisdiction of the district court and the criteria for custody orders, for concurrence in House Amendments Nos. 1 and 2.

On motion of Senator Soles, the Senate concurs in House Amendments Nos. 1 and 2 and the Committee Substitute bill is ordered enrolled.

H. B. 147, a bill to allow all hospitals owned and operated by a county to receive semi-annual sales tax refunds.

The bill passes its second and third readings and is ordered enrolled.

H. B. 773, a bill to authorize the Department of Transportation to lease the right-of-way of Interstate Highway 40 to the City of Winston-Salem for a parking facility.

On motion of Senator Ward, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 970, a bill regarding suspension of a driver's license for failure to maintain the required security or insurance.

The bill passes its second reading.

On objection of Senator Swain to its third reading, the bill remains on the Calendar for further consideration.

H. B. 1093, a bill to ensure that new auto buyers have adequate remedies against auto manufacturers.

The bill passes its second and third readings and is ordered enrolled.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

S. B. 89 (House Committee Substitute), a bill to amend Chapter 50 of the General Statutes to establish procedures to insure payment of child support, for concurrence in the House Committee Substitute bill.

On motion of Senator Marvin, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 109, a bill to provide for the appointment of special library registration deputies to register voters in all public libraries, for concurrence in House Amendments Nos. 1 and 2.

On motion of Senator Woodard, the Senate concurs in House Amendments Nos. 1 and 2 and the bill is ordered enrolled.

S. B. 181 (Committee Substitute), a bill to make judges and justices of the General Court of Justice inactive members of the State Bar, for concurrence in House Amendment No. 1.

On motion of Senator Winner, the Senate concurs in House Amendment No. 1 and the Committee Substitute bill is ordered enrolled.

S. J. R. 409, a joint resolution honoring the brave life of Anthony Clyde Corn.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 424 (Committee Substitute), a bill relating to the motor vehicle dealers and manufacturers licensing law, as amended, upon third reading.

Senator Edwards of Guilford offers Amendment No. 3 which is adopted.

The Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 462 (Committee Substitute), a bill to require banks and savings and loan associations to produce an affidavit when acting as personal representative, collector or guardian, upon third reading.

Senator Winner offers Amendment No. 1.

Senator Harris of Cleveland, seconded by Senator Allred, offers a motion that Amendment No. 1 do lie upon the table, which motion prevails. Amendment No. 1 lies upon the table.

Senator Swain, seconded by Senator Hipps, offers a motion that the Committee Substitute bill do lie upon the table, which motion fails to prevail, and the bill remains before the Senate, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 607, a bill to ensure equal treatment of unemployed individuals who are members of National Guard units and unemployed individuals who are members of United States Armed Forces Reserve components.

The bill passes its second reading.

On objection of Senator Allsbrook to its third reading, the bill remains on the Calendar for further consideration.

H. B. 37 (Committee Substitute), a bill to recodify certain criminal statutes regarding jail confinements.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 96 (Senate Committee Substitute), a bill to simplify and codify the rules of evidence, upon third reading.

Pursuant to Rule 42.1, Senator Hardison requests a fiscal note. The Chair orders the Senate Committee Substitute bill placed on the Calendar for Friday, June 24, with a fiscal note attached.

H. B. 122 (Committee Substitute), a bill to amend G. S. 20-108 to provide for seizure and disposition of motor vehicles or component parts which do not carry identifying numbers or carry altered, changed or obliterated numbers, upon third reading.

Senator Rand offers Amendment No. 1 which fails of adoption.

The Committee Substitute bill passes its third reading and is ordered enrolled.

H. B. 137 (Committee Substitute), a bill to allow public and nonprofit human services programs to purchase permanent license tags for agency vehicles, and to increase the fee for permanent registration plates issued to the State and certain nonprofit organizations, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—50.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H. B. 856, a bill to clarify the definition of "rule" for purposes of administrative procedure.

On motion of Senator Barnes of Wayne, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 890, a bill to allow all sanitary districts to exercise all powers permitted by the Sanitary District Law, upon second reading.

The bill passes its second reading by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—50.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 1044, a bill to authorize local administrative boards of community colleges to establish cooperative programs with high schools.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1132, a bill to remove certain property from the corporate limits of the Town of Tryon and to reincorporate the Town of Lynn, upon third reading.

The bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—49.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1144, a bill to abolish all grounds for absolute divorce except separation.

Senator Harris of Cleveland calls for the "ayes" and "noes" on the second reading of the bill. The call is sustained.

The bill passes its second reading by roll-call vote, ayes 28, noes 16, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Gray, Guy, Hancock, Harrington, Hunt, Johnson, Jordan, Lawing, Martin, Marvin, Plyler, Rand, Royall, Soles, Staton, Tally, Tison, Walker, Ward, and Woodard—28.

Voting in the negative: Senators Alford, Ballenger, Daniels, Edwards of Caldwell, Hardison, Harris of Cleveland, Hipps, Kincaid, Parnell, Redman, Speed, Thomas of Henderson, Warren, White, Winner, and Wright—16

On objection of Senator Harris of Cleveland to its third reading, the bill remains on the Calendar for further consideration, upon third reading.

H. B. 1228, a bill to make notice provisions consistent in actions for support and custody of minor children.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 193 (Committee Substitute), an act to make amendments concerning the Advisory Budget Commission to bond acts to implement the recommendations of the Committee on Separation of Powers. (Ch. 577)

H. B. 551 (Senate Committee Substitute), an act amending the County Hospital Act to authorize a county hospital to establish and operate branch facilities in other counties. (Ch. 578)

H. B. 648, an act to allow the Transylvania County Board of Education to transfer certain property to nonprofit civic improvement organizations. (Ch. 579)

H. B. 716 (Committee Substitute), an act to assure unemployment insurance trust fund solvency and compliance with federal law. (Ch. 585)

H. B. 731, an act to authorize the Tyrrell County Board of Education to enter into certain contracts without complying with the provisions of Chapter 133 and of Article 8 of Chapter 143 of the General Statutes. (Ch. 580)

H. B. 759 (Senate Committee Substitute), an act to specify a summons for termination of parental rights cases, to provide for an answer in such cases, and to specify who is to receive copies of termination of parental rights orders. (Ch. 581)

H. B. 1042 (Senate Committee Substitute), an act to validate certain foreclosure and legal advertisement sales. (Ch. 582)

H. B. 1089, an act to allow community theatres to qualify for certain ABC permits. (Ch. 583)

H. B. 1104, an act to require extraterritorial representation on the planning agency when matters concerning the extraterritorial area are acted upon. (Ch. 584)

H. B. 1214, an act to allow a written waiver of appearance by defendants charged with hunting, fishing, or boating offenses. (Ch. 586)

On motion of Senator Edwards of Caldwell, seconded by Senator Lawing, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED-SEVENTEENTH DAY

SENATE CHAMBER,
Thursday, June 23, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Steve Davis, Minister of Mt. Zion Baptist Church, Louisburg, as follows:

"Let us pray. Our Father we thank You for Your presence and help in our lives this day. We ask Your help in meeting the needs of each individual member of this Chamber both public and private. We pray this day for Your leadership and wisdom to be present in their lives as they seek to make the many decisions they must make this day. We ask Father that You grant to the members of this Chamber the courage and fortitude to make the best

decisions possible. We ask for Your help in dealing with the pressures that each of these face during this session of the legislature. We are grateful for the strength and assistance You have given thus far and look forward to what is even now going to be accomplished. In Your Son's Blessed Name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Soles for today and to Senator Allred for a portion of today's Session and for tomorrow, June 24.

A leave of absence granted previously to Senator Jordan is noted.

The President grants courtesies of the gallery to Thomas O. Gilmore, former member of the House of Representatives from Guilford County.

The President declares the voting equipment inoperative.

COMMITTEE APPOINTMENT

The President appoints the following select committee:

Special Ways and Means Committee: Senators Swain, Chairman; Jenkins, Edwards of Caldwell, Rand, Plyler, and Warren.

RECALL FROM ENROLLING OFFICE

S. B. 89 (House Committee Substitute)

Senator Marvin offers a motion that **S. B. 89** (House Committee Substitute), a bill to amend Chapter 50 of the General Statutes to establish procedures to insure payment of child support, be recalled from the Enrolling Office, which motion prevails.

Senator Marvin moves that the vote by which the Senate concurred in the House Committee Substitute bill be reconsidered, which motion prevails.

The House Committee Substitute bill is placed on the Calendar for tomorrow, June 24, for concurrence.

RE-REFERRAL

H. B. 1254, a bill to change the date on which members of county boards of elections, registrars and judges of elections are appointed.

On motion of Senator Woodard, the rules are suspended and the bill is taken from the **State Government/Election Laws Committee** and is placed on the Calendar preceding **S. B. 606.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Repesentatives:

H. B. 800
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
June 23, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the

House fails to concur in the Senate Com. Sub. for H. C. B. #2 for No. 800, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 65 RELATING TO FUNERAL AND BURIAL TRUST FUNDS, and requests conferees. The Speaker has appointed Representatives Pulley, Hunter, and Brennan on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Edwards of Caldwell moves that the President appoint conferees, which motion prevails. The President appoints Senators Edwards of Caldwell, Jenkins, and Tison as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 543, a bill to regulate architects and engineers in their relations with contractors, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Edwards of Caldwell, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Edwards of Caldwell, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 27.

H. B. 1221 (Committee Substitute), a bill to exempt certain limited partnership debt obligations from the application of the State's interest laws, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Edwards of Caldwell, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Edwards of Caldwell, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 27.

By Senator Speed for the **Education Committee:**

S. B. 384, a bill to permit the local boards of education in Avery and Watauga Counties to schedule longer school days so as to offset days lost due to inclement weather, with a favorable report.

H. B. 1114, a bill to amend Article 12, G. S. 115C-189 to allow the State Board of Education to select the type of annual test to be used in the first, second, third, sixth and ninth grades, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 536, a bill to clarify, restrict and amend the law relating to the operation of bingo games and raffles, with a favorable report.

On motion of Senator Allsbrook, the bill is re-referred to the **Finance Committee.**

H. B. 434 (Committee Substitute), a bill to provide a statutory short form power of attorney and a durable power of attorney statute as recommended by the General Statutes Commission, with a favorable report.

By Senator Hancock for Senator Soles for the **Judiciary II Committee:**

H. B. 110 (Committee Substitute), a bill to authorize the Legislative Committee on Occupational and Professional Licensure to study the need for new licensing laws and programs according to criteria and procedures specified herein, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hancock, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 110** (Senate Committee Substitute), a bill to authorize the Legislative Committee on Occupational and Professional Licensure to assess proposals for the establishment or revision of licensing laws and programs according to criteria and procedures specified herein, is placed before the Senate for immediate consideration.

On motion of Senator Hancock, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 27.

H. B. 767 (Committee Substitute), a bill to amend G. S. 90-108 to prohibit embezzlement of controlled substances by employees of practitioners and registrants, and to prohibit "doctor shopping" as a means of fraudulently obtaining controlled substances from practitioners, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hancock, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hancock, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 27.

H. B. 937 (Committee Substitute), a bill to establish a uniform eviction policy, with a favorable report, as amended.

H. B. 1192, a bill to require a conference on jury instructions, with a favorable report.

H. B. 1226 (Senate Committee Substitute), a bill to clarify the time when municipal ordinances are introduced, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hancock, the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hancock, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 27.

H. B. 1227 (Committee Substitute), a bill to authorize city and county clerks to administer oaths of office, with a favorable report, as amended.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 625, a bill prohibiting minors below ten years of age in taverns, with an unfavorable report.

S. B. 636, a bill to repeal certain obsolete Department of Transportation Statutes, with a favorable report.

By Senator Rand for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

H. B. 343 (Committee Substitute), a bill to revise portions of Chapter 162 relating to sheriffs, with a favorable report, as amended.

H. B. 698, a bill to strengthen the prohibition against dangerous weapons at parades, with a favorable report.

H. B. 918 (Committee Substitute), a bill to make injuring law enforcement agency animals a felony, with a favorable report, as amended.

By Senator Childers for the **Manufacturing, Labor and Commerce Committee:**

H. B. 1197, a bill to amend the Workers' Compensation Security Fund Act, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Royall, Hardison, Hancock, Jordan, and Walker:

S. B. 637, a bill to appropriate funds to provide vocational training for autistic adults.
Referred to **Appropriations Committee.**

By Senator Harris of Cleveland:

S. B. 638, a bill to make a technical amendment to Chapter 23 of the 1983 Session Laws to authorize the Department of Human Resources to fix payments for services rendered to the public.
Referred to **Human Resources Committee.**

By Senators Marvin and Harris of Cleveland:

S. B. 639, a bill to extend the nondiscrimination provisions of insurance policies to include marital and family counselors.
Referred to **Human Resources Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 547, a bill to clarify the responsibility of the State Board of Education for the State's school transportation system, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 24.

H. B. 28, a bill to provide an unlimited gift tax exclusion for certain educational and medical payments.
Referred to **Finance Committee.**

H. B. 544 (Committee Substitute No. 2), a bill to require a law enforcement officer who arrests or issues a citation to an unemancipated minor to inform the minor's parents of the arrest or citation.
Referred to **Judiciary III Committee.**

H. B. 567 (Committee Substitute), a bill to amend the Statutes 14-107 to mandate restitution for worthless checks through community service work, if needed.

Referred to **Judiciary III Committee.**

H. B. 961 (Committee Substitute), a bill to make it unlawful for any person to be intoxicated on any highway.

Referred to **Judiciary III Committee.**

H. J. R. 1211, a joint resolution memorializing the Congress to pass emergency legislation to open up the treacherous channel at Oregon Inlet.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 1258, a bill to revise and simplify G. S. 8-56 regarding the testimony of spouses in civil actions.

Referred to **Judiciary I Committee.**

H. B. 1284, a bill authorizing registers of deeds to maintain computer indexes.

Referred to **Judiciary II Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 14, a bill to eliminate mandatory retirement at age 70 for persons covered under the State Employees or Local Government Employees Retirement System.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 217, a bill to permit members of the Teachers' and State Employees' Retirement System to purchase creditable service for temporary State employment by paying an amount equal to the full actuarial liability.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 372, a bill to assure that if the Western Residence of the Governor in Asheville is damaged or destroyed, it will be repaired, for concurrence in House Amendment No. 1.

On motion of Senator Winner, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 453, a bill to amend the authority of the Department of Transportation to set fees for signs, sign permits, and junkyard permits, for concurrence in House Amendment No. 1.

On motion of Senator Warren, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 478, a bill to refund the amount of accumulated contributions in excess of the contributions required of other members of the Local Governmental Employees' Retirement System made by firemen not covered under the Social Security Act who were members of the Local Governmental Employees' Retirement System.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 550, a bill to include a woman law enforcement officer on the Criminal Justice Education and Training Standards Commission, for concurrence in House Amendments Nos. 1 and 2.

On motion of Senator Marvin, the Senate concurs in House Amendments Nos. 1 and 2 and the bill is ordered enrolled.

S. J. R. 585, a joint resolution recognizing and clarifying the policy of this State to afford the opportunity for mentally and developmentally disabled persons for adequate community support services.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 587 (Committee Substitute), a bill prohibiting contests involving firearms on or near an ABC permit holder's premises.

Senator Allred offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second reading.

Senator Swain objects to the third reading of the Committee Substitute bill, as amended.

On motion of Senator Allred, the Committee Substitute bill, as amended, is placed on the Calendar for Monday, June 27, upon third reading.

S. B. 602, a bill to amend Chapter 147 of the General Statutes to allow for the payroll deduction by a Department of Transportation employee required by Federal and State law to wear day-glo orange shirts or vests of the cost of uniform rental and insurance premiums.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 1254, a bill to change the date on which members of county boards of elections, registrars and judges of elections are appointed.

The bill passes its second and third reading and is ordered enrolled.

S. B. 606, a bill to change the date on which members of county boards of elections, registrars and judges of elections are appointed.

On motion of Senator Woodard, consideration of the bill is postponed until Monday, June 27.

S. B. 607, a bill to ensure equal treatment of unemployed individuals who are members of National Guard units and unemployed individuals who are members of United States Armed Forces Reserve components, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 621, a bill to amend Chapter 85B, relating to auctions and auctioneers.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 628, a bill to give the State Board of Elections a longer period of time to determine nominees for the presidential primary.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 79, a bill to modify the regulation of hazardous waste and PCB landfills.

The bill passes its second and third readings and is ordered enrolled.

H. B. 115 (Committee Substitute), a bill to provide for licensing of residential group care facilities for children.

On motion of Senator Harris of Cleveland, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 527, a bill making honorable discharge from the military a mitigating factor under the Fair Sentencing Act.

Senator Martin offers Amendment No. 1 which fails of adoption.

The bill passes its second reading.

Without objection, the bill remains before the Senate upon third reading.

Senator Staton calls the previous question, duly seconded.

The bill passes its third reading and is ordered enrolled.

H. B. 658 (Committee Substitute), a bill to protect renters of apartment buildings being converted to condominiums.

On motion of Senator Johnson, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 758 (Committee Substitute), a bill to provide for court review of placement following certain terminations of parental rights.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 776, a bill to make miscellaneous changes in local laws affecting Orange County.

On motion of Senator Walker, Committee Amendment No. 1 is adopted.

Senator Hunt offers Amendment No. 2.

Without objection, the Chair orders the bill, as amended, with pending Amendment No. 2 recommitted to the **Local Government and Regional Affairs Committee.**

H. B. 890, a bill to allow all sanitary districts to exercise all powers permitted by the Sanitary District Law, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 951 (Committee Substitute), a bill to amend and reorganize Chapter 159B of the General Statutes and to create a new article to provide for joint municipal assistance agencies and to make technical amendments to G. S. 128-1 and Article 3 of Chapter 159 of the General Statutes.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 970, a bill regarding suspension of a driver's license for failure to maintain the required security or insurance, upon third reading.

The bill passes its third reading and is ordered enrolled.

H. B. 974, a bill to prohibit colored license plate covers.

On motion of Senator Thomas of Henderson, the bill is re-referred to the **Judiciary III/Law Enforcement Committee.**

H. B. 995, a bill to grant certain domiciliary care facilities an exemption from reporting and uniform chart of accounts requirements.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1075, a bill to provide more rulemaking flexibility for the Child Day-Care Licensing Commission and to regulate temporary child day-care facilities.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1116, a bill to require State agencies and political subdivisions to cooperate in efforts to promote the use of small, minority and women contractors in public construction and purchasing contracts.

Without objection, the Chair orders the bill re-referred to the **Appropriations Committee.**

H. B. 1144, a bill to abolish all grounds for absolute divorce except separation, upon third reading.

The bill passes its third reading and is ordered enrolled.

H. B. 1198, a bill to regulate the taking of exotic species of wild animals and birds or species not indigenous to the area.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1231, a bill to amend G. S. 136-44.20 to provide for matching funds for inter-city rail and bus passenger service.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 109, an act to provide for the appointment of special library registration deputies to register voters in all public libraries. (Ch. 588)

S. B. 181 (Committee Substitute), an act to make judges and justices of the General Court of Justice inactive members of the State Bar. (Ch. 589)

S. B. 392 (Committee Substitute), an act to clarify the authority to issue custody orders applicable to juveniles within the juvenile jurisdiction of the district court and the criteria for custody orders. (Ch. 590)

S. B. 566, an act to grant to gasohol a five cent partial exemption from the gasoline and special fuels tax. (Ch. 591)

S. J. R. 584, a joint resolution calling upon the Speaker of the House of Representatives and the President of the Senate to appoint a legislative delegation to attend ceremonies in

Great Britain celebrating the Four Hundredth Anniversary of the Roanoke Voyages. (Res. 35)

H. B. 122 (Commmittee Substitute), an act to amend G. S. 20-108 to provide for seizure and disposition of motor vehicles or component parts which do not carry identifying numbers or carry altered, changed or obliterated numbers. (Ch. 592)

H. B. 137 (Committee Substitute), an act to allow public and nonprofit human services programs to purchase permanent license tags for agency vehicles, and to increase the fee for permanent registration plates issued to the State and certain nonprofit organizations. (Ch. 593)

H. B. 147, an act to allow all hospitals owned and operated by a county to receive semiannual sales tax refunds. (Ch. 594)

H. B. 291 (Senate Committee Substitute), an act to provide that the New Hanover County Board of Commissioners shall be elected from districts, and to expand the Board to seven seats, subject to a referendum. (Ch. 595)

H. B. 292 (Senate Committee Substitute), an act to provide a referendum on the question of changing the manner of election of the Wilmington City Council. (Ch. 597)

H. B. 1044, an act to authorize local administrative boards of community colleges to establish cooperative programs with high schools. (Ch. 596)

H. B. 1093, an act to ensure that new auto buyers have adequate remedies against auto manufacturers. (Ch. 598)

H. B. 1108, an act to amend G. S. 97-28 to permit use of leave during the first seven days of disability under the Worker's Compensation Act. (Ch. 599)

H. B. 1132, an act to remove certain property from the corporate limits of the Town of Tryon and to reincorporate the Town of Lynn. (Ch. 600)

H. B. 1228, an act to make notice provisions consistent in actions for support and custody of minor children. (Ch. 587)

On motion of Senator Lawing, seconded by Senator Allsbrook, the Senate adjourns to meet tomorrow at 11:00 A.M.

ONE HUNDRED-EIGHTEENTH DAY

SENATE CHAMBER,
Friday, June 24, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, Your servant, Moses, brought ten laws to the people of Israel. We seem to have discovered the need for a great many more than that. We pray that the laws made

in this place, while not written on tablets of stone, will nonetheless reflect Your will for the people of North Carolina. We give thanks to You that we live in a free State in a free nation, that we have the opportunity to participate in our own government, and that our leaders are persons who are freely chosen by and from the people whom they govern. For all our freedoms, we give You thanks and pray that You will help us to use them wisely, not only for our own benefit, but for the good of Your whole creation. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Rauch, Lawing, Ballenger, Harris of Mecklenburg, Soles and Parnell for today.

A leave of absence granted previously to Senator Allred is noted.

The President declares the voting equipment inoperative.

CONFERENCE REPORT

H. B. 503 (Committee Substitute)

Senator Jenkins, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 503** (Committee Substitute), a bill setting the date for valuation of property divided under equitable distribution, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, the Conferees appointed to consider and resolve the difference between the two bodies with respect to C. S. for H. B. No. 503 A BILL TO BE ENTITLED AN ACT SETTING THE DATE FOR VALUATION OF PROPERTY DIVIDED UNDER EQUITABLE DISTRIBUTION, respectfully report that we have conferred and agreed as follows:

1. The Senate recedes from its Amendment #1.
2. Line 14 of page 1 is rewritten as follows:
   "Sec. 2. This act is effective on August 1, 1983, and"

And, to this end, we the said Conferees, recommend that the House of Representatives and the Senate adopt this Conference Report.

Cecil Jenkins	Martin Nesbitt
Robert S. Swain	Robert L. Slaughter
Henson P. Barnes	Murray Pool
Conrad Duncan	Joe Hackney
Helen R. Marvin	
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Jenkins, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 89

HOUSE OF REPRESENTATIVES
June 24, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body requesting the return of House Committee Substitute for Senate Committee Substitute for Senate Bill 89, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 50 OF THE GENERAL STATUTES TO ESTABLISH PROCEDURES TO INSURE PAYMENT OF CHILD SUPPORT, for further consideration by the House of Representatives.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Marvin offers a motion that the House Committee Substitute bill for **S. B. 89** be removed from today's Calendar and returned to the House of Representatives for further consideration, which motion prevails. The House Committee Substitute bill is ordered returned to the House of Representatives.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee:**

H. B. 864, a bill to repeal previous New Hanover County local acts concerning taxing and regulation of professional bondsmen, and establishing a law library, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 864** (Senate Committee Substitute), a bill to make statewide Chapter 85C of the General Statutes relating to bail bondsmen by repealing the exemptions for New Hanover and Robeson Counties, and to repeal local acts relating to the New Hanover County Law Library, is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 28.

By Senator Edwards of Caldwell, for the **Banking Committee:**

H. B. 305 (Committee Substitute), a bill to amend the laws pertaining to the Executive Mansion Fine Arts Committee, with a favorable report.

By Senator Duncan for the **Finance Committee:**

S. B. 626, a bill to tax all commercially manufactured swine, livestock, and poultry equipment used by farmers at a uniform rate, with a favorable report.

H. B. 1139, a bill setting the distribution of profits from the sales of beer and wine in townships, with a favorable report.

H. B. 1222, a bill to allow county service districts established for fire protection purposes to also furnish emergency medical, rescue and ambulance services, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

H. B. 545, a bill to amend Chapter 25A of the General Statutes to clarify the definition of "sale" in the Retail Installment Sales Act, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill which changes the title to read, **H. B. 545** (Senate Committee Substitute), a bill to amend Chapter 25A of the General Statutes to clarify certain types of "sale" in the Retail Installment Sales Act.

On motions of Senator Allsbrook, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, adopted, and placed on the Calendar for Tuesday, June 28.

H. B. 905, a bill to amend Chapter 7A of the General Statutes by eliminating the Judicial Council, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill which changes the title to read, **H. B. 905** (Senate Committee Substitute), a bill to eliminate the Judicial Council and reconstitute the North Carolina Courts Commission.

On motions of Senator Allsbrook, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, adopted, and placed on the Calendar for Tuesday, June 28.

By Senator Royall for Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. R. 627, a Senate resolution directing the 1983 Senate Committee on Pensions and Retirement to study the issue of certain local governmental employees' retirement system inequities, with a favorable report as to adoption.

On motion of Senator Royall, the Senate resolution is re-referred to the **Appropriations Committee.**

H. J. R. 1135, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, with a favorable report, as amended.

On motion of Senator Royall, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The joint resolution, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1, by special messenger.

By Senator Staton for the **State Government Committee:**

S. B. 278, a bill to recodify the public hospital laws in Chapter 131 of the General Statutes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 278** (Committee Substitute), a bill to recodify the public hospital laws in Chapters 131 and 131B and in portions of Chapter 130 of the General Statutes, is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee.**

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Edwards of Caldwell:

S. B. 640, a bill to license locksmiths.
Referred to **Finance Committee.**

By Senator Thomas of Craven:

S. B. 641, a bill to create the offense of third-degree kidnapping to provide an effective deterrent to kidnapping accompanied by the use of physical force or violence or the threatened use of physical force or violence.
Referred to **Judiciary II Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 124
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
June 24, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Com. Sub. for H. C. S. for H. B. No. 124, A BILL TO BE ENTITLED AN ACT TO EXPAND THE USE OF OUTPATIENT INVOLUNTARY COMMITMENTS FOR THE MENTALLY ILL, and requests conferees. The Speaker has appointed Representatives Lancaster, Chairman; Black, and B. Woodard, on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Harris moves that the President appoint conferees, which motion prevails. The President appoints Senators Harris of Cleveland, Jenkins, and Daniels as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed as follows:

S. B. 107 (House Committee Substitute), a bill to revise the annexation laws, for concurrence in the House Committee Substitute bill which is placed on the Calendar for Monday, June 27, upon second roll-call reading.

H. B. 9, a bill to update the sales tax exemption for medical equipment.
Referred to **Finance Committee.**

H. B. 436 (Committee Substitute No. 2), a bill to revise G. S. 1A-1, Rule 4(j1), relating to service of process by newspaper publication in order to incorporate court mandated requirements as recommended by the General Statutes Commission.
Referred to **Judiciary I Committee.**

H. B. 654 (Committee Substitute), a bill to establish a procedure for revoking consent to adoption.
Referred to **Judiciary II Committee.**

H. B. 1003 (Committee Substitute), a bill to provide that if property owned by a local board of education is no longer suitable or necessary for public school purposes, the board of county commissioners has the first opportunity to purchase.
Referred to **Education Committee.**

H. B. 1156, a bill to classify for ad valorem tax purposes certain real property owned by nonprofit corporations organized for historic preservation purposes.
Referred to **Finance Committee.**

H. B. 1263, a bill authorizing nearby counties to join in the Bertie-Martin Regional Jail.
Referred to **Local Government and Regional Affairs Committee.**

H. J. R. 1345, a joint resolution expressing the intent of the General Assembly concerning the revision of the Administrative Procedure Act and rules promulgated under that Act.
Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Jenkins presides over a portion of today's Session.)

S. B. 102 (Committee Substitute), a bill to prohibit the operation of a motor vehicle with the view outward or inward through the windshield or windows obscured.
The Committee Substitute bill passes its second reading.
Senator Edwards of Caldwell objects to the third reading of the bill, which objection he subsequently withdraws.
The bill remains before the Senate, upon third reading.
Senator Martin offers Amendment No. 1 which is adopted.
The Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 384, a bill to permit the local boards of education in Avery and Watauga Counties to schedule longer school days so as to offset days lost due to inclement weather.
The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 547, a bill to clarify the responsibility of the State Board of Education for the State's school transportation system, for concurrence in House Amendment No. 1.
On motion of Senator Martin, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 636, a bill to repeal certain obsolete Department of Transportation Statutes.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 96 (Senate Committee Substitute), a bill to simplify and codify the rules of evidence, upon third reading.

The Senate Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 343 (Committee Substitute), a bill to revise portions of Chapter 162 relating to sheriffs.

On motion of Senator Barnes of Wayne, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Harris of Cleveland to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 434 (Committee Substitute), a bill to provide a statutory short form power of attorney and a durable power of attorney statute as recommended by the General Statutes Commission.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 698, a bill to strengthen the prohibition against dangerous weapons at parades.

The bill passes its second reading.

On objection of Senator Swain to its third reading, the bill remains on the Calendar for further consideration.

H. B. 906 (Senate Committee Substitute), a bill to set an earlier filing deadline for cities that use the nonpartisan plurality method of election.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 911 (Senate Committee Substitute), a bill to provide that the applicable court shall make the division of the settlement or judgment costs among joint tort-feasors in actions brought under the Workers' Compensation Act when they cannot agree and providing for limitations of its applicability.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 918 (Committee Substitute), a bill to make injuring law enforcement agency animals a felony.

On motion of Senator Rand, Committee Amendment No. 1 is adopted, changing the title, upon concurrence to read **H. B. 918** (Committee Substitute), a bill to make injuring law enforcement agency animals a general misdemeanor.

Senator Winner offers a motion that the Committee Substitute bill, as amended, be re-referred to the **Special Ways and Means Committee.**

Senator Harris of Cleveland, seconded by Senator Warren, offers a substitute motion that the Committee Substitute bill, as amended, be re-referred to a **Select Committee on H. B. 918,** which motion fails to prevail.

The motion offered by Senator Winner fails to prevail.

The Committee Sustitute bill, as amended, passes its second reading and, without objection, remains before the Senate for further consideration upon third reading.

Senator Johnson offers Amendment No. 2 which is adopted.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1 and 2.

H. B. 937 (Committee Substitute), a bill to establish a uniform eviction policy.

On motion of Senator Edwards of Guilford, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Allsbrook to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 1114, a bill to amend Article 12, G. S. 115C-189 to allow the State Board of Education to select the type of annual test to be used in the first, second, third, sixth and ninth grades.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1192, a bill to require a conference on jury instructions.

The bill passes its second reading.

On objection of Senator Allsbrook to its third reading, the bill remains on the Calendar for further consideration.

H. B. 1197, a bill to amend the Workers' Compensation Security Fund Act.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1227 (Committee Substitute), a bill to authorize city and county clerks to administer oaths of office.

On motion of Senator Edwards of Guilford, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 356, an act to revise the lease fees pertaining to shellfish leases. (Ch. 601)

S. B. 372, an act to assure that if the Western Residence of the Governor in Asheville is damaged or destroyed, it will be repaired. (Ch. 602)

S. B. 427, an act to create the Auctioneer Recovery Fund. (Ch. 603)

S. B. 453, an act to amend the authority of the Department of Transportation to set fees for signs, sign permits, and junkyard permits. (Ch. 604)

S. B. 511, an act to authorize review by the Marine Fisheries Commission of proclamations issued by the Secretary of the North Carolina Department of Natural Resources and Community Development. (Ch. 619)

S. B. 525, an act to allow areas closed for reasons of pollution by the Division of Marine Fisheries to be reopened more quickly. (Ch. 620)

S. B. 550, an act to include a woman law enforcement officer on the Criminal Justice Education and Training Standards Commission. (Ch. 618)

S. B. 579, an act to revise the lease provisions pertaining to cultivation of oysters and clams. (Ch. 621)

H. B. 79, an act to modify the regulation of hazardous waste and PCB landfills. (Ch. 605)

H. B. 527, an act making honorable discharge from the military a mitigating factor under the Fair Sentencing Act. (Ch. 606)

H. B. 758 (Committee Substitute), an act to provide for court review of placement following certain terminations of parental rights. (Ch. 607)

H. B. 890, an act to allow all sanitary districts to exercise all powers permitted by the Sanitary District Law. (Ch. 608)

H. B. 951 (Committee Substitute), an act to amend and reorganize Chapter 159B of the General Statutes and to create a new article to provide for joint municipal assistance agencies and to make technical amendments to G. S. 128-1 and Article 3 of Chapter 159 of the General Statutes. (Ch. 609)

H. B. 970, an act regarding suspension of a driver's license for failure to maintain the required security or insurance. (Ch. 610)

H. B. 995, an act to grant certain domiciliary care facilities an exemption from reporting and uniform chart of accounts requirements. (Ch. 611)

H. B. 1075, an act to provide more rulemaking flexibility for the Child Day-Care Licensing Commission and to regulate temporary child day-care facilities. (Ch. 612)

H. B. 1144, an act to abolish all grounds for absolute divorce except separation. (Ch. 613)

H. B. 1147, an act to increase the value of work that may be done without a building permit for small jobs. (Ch. 614)

H. B. 1198, an act to regulate the taking of exotic species of wild animals and birds or species not indigenous to the area. (Ch. 615)

H. B. 1231, an act to amend G. S. 136-44.20 to provide for matching funds for inter-city rail and bus passenger service. (Ch. 616)

H. B. 1254, an act to change the date on which members of county boards of elections, registrars and judges of elections are appointed. (Ch. 617)

On motion of Senator Royall, seconded by Senator Harrington, the Senate adjourns to meet Monday at 7:00 P.M.

ONE HUNDRED-NINETEENTH DAY

SENATE CHAMBER,
Monday, June 27, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

June 27, 1983

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Creator God, Your prophets tell us that where there is no vision the people perish. Help us to become people who are not afraid to dream of equality of opportunity for all Your children, who see visions of freedom and prosperity. Do not let us be content with things as they are, but call us to work toward a future that gleams brightly on the horizons of our hopes. Especially we ask You to keep a clear vision before the men and women of this Senate, as they seek to serve the people of North Carolina. Never let them forget that their task is to see the world as it might be, and to help us reach toward that promise. Give them wisdom, give them power, give them hope to venture out in faith on behalf of the people. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants courtesies of the floor to Clarence Lightner, former Senator from Wake County.

The President recognizes the following pages serving in the Senate this week: Robbye Bell, Graham; John Bond, Edenton; Charles Bratton, Asheville; Dawn Bullard, Durham; Angie Durham, Greensboro; Daniel Foster, Belhaven; Valaida Fullwood, Morganton; Leslie Hairfield, Morganton; Kim Hall, Monroe; Paul Hendricks, Kings Mountain; Delia Johnson, Chapel Hill; Nelson Lee, Garysburg; Jason Matthews, North Wilkesboro; Penny Miller, Norwood; Dana Perry, Charlotte; Lou Ann Pollard, Benson; Howard Sanford, Fuquay-Varina; Debbie Southern, Greensboro; Brian Shepard, LaGrange; David Strickland, Willow Springs; Pedro Thomas, Hendersonville; Mark Tyler, Cerro Gordo; and Leanna Winner, Asheville.

CONFERENCE REPORTS

H. B. 124 (Senate Committee Substitute)

Senator Harris of Cleveland, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H. B. 124** (Senate Committee Substitute), a bill to expand the use of outpatient involuntary commitments for the mentally ill, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute for House Committee Substitute for House Bill 124, A BILL TO BE ENTITLED AN ACT TO EXPAND THE USE OF OUTPATIENT INVOLUNTARY COMMITMENTS FOR THE MENTALLY ILL wish to report as follows:

The House concurs in the Senate Committee Substitute with the following amendment:

on page 2, lines 19 and 20, by deleting in each line "(e)", and inserting in lieu thereof "(d1)".

And the Senate concurs in the same

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

OLLIE HARRIS	MARTIN LANCASTER
M. R. DANIELS	JAMES B. BLACK
CECIL R. JENKINS	B. P. WOODARD
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

On motion of Senator Harris of Cleveland, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 413 (Senate Committee Substitute No. 2)

Senator Jenkins, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 413** (Senate Committee Substitute No. 2), a bill to make amendments to the Equitable Distribution Act, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on S. C. S. #2 for House Bill 413–"A Bill To Be Entitled An Act To Make Amendments To The Equitable Distribution Act," wish to report as follows:

The Senate and the House of Representatives agree and concur on S. C. S. #2, except that Section 3 thereof is rewritten as follows:

"Sec. 3. This act shall become effective on August 1, 1983 and includes those actions pending in the District Court Division on the effective date thereof."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 27 day of June, 1983.

CECIL R. JENKINS	JOE HACKNEY
ROBERT S. SWAIN	ROBERT L. SLAUGHTER
HENSON P. BARNES	MARTIN NESBITT
CONRAD R. DUNCAN	MURRAY P. POOL
HELEN R. MARVIN	GEORGE W. MILLER, JR.
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

On motion of Senator Jenkins, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORT OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles,

together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rand for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

S. B. 147 (Committee Substitute), a bill relating to the law enforcement authority of wildlife protectors, with a favorable report, as amended.

RE-REFERRAL

H. B. 502 (Committee Substitute), a bill to amend G. S. 105-275 concerning exclusions from the property tax base for pollution control purposes.

On motion of Senator Rauch the Committee Substitute bill is taken from the **Finance Committee** and is placed on the Calendar for tomorrow, June 28.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Barnes of Wayne:

S. B. 642, a bill to make changes to the membership and appointment authority of the North Carolina Criminal Justice Education and Training Standards Commission.

Referred to **Special Ways and Means Committee.**

By Senators Swain, Alford, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Marion, Martin, Plyler, Rand, Redman, Speed, Tally, Thomas of Henderson, Tison, Ward, Warren, White, Winner, Woodard, and Wright:

S. J. R. 643, a joint resolution authorizing the Legislative Research Commission to study the issue of the rapidly increasing cost of providing attorneys and guardians *ad litem* to indigents.

Referred to **Special Ways and Means Committee.**

By Senators Alford, Childers, Edwards of Guilford, Hardison, Jenkins, Jordan, Parnell, Speed, Ward, and Warren:

S. B. 644, a bill to include persons performing court-ordered community service under workers' compensation and to immunize local government units for their torts.

Referred to **Special Ways and Means Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1184, a joint resolution honoring the life and memory of Marion D. Thorpe.

On motion of Senator Daniels, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is orderd enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 308 (House Committee Substitute), a bill to establish a North Carolina Energy Development Authority, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, June 28.

H. B. 575, a bill to amend certain obscenity statutes.
Referred to **Special Ways and Means Committee.**

H. B. 657 (Commmittee Substitute), a bill to protect the integrity of Swift Creek Township.
Referred to **Special Ways and Means Committee.**

H. B. 1196, a bill to place the President of the North Carolina Society of Fire Instructors and the President of the North Carolina Association of Fire Marshalls on the State Fire Commission.
Referred to **Special Ways and Means Committee.**

H. B. 1287, a bill to allow cities and counties to require persons speaking at public hearing to testify under oath or affirmation.
Referred to **Special Ways and Means Committee.**

H. J. R. 1308, a joint resolution authorizing the Legislative Research Commission to study the local financing of community colleges.
Referred to **Special Ways and Means Committee.**

H. B. 1316, a bill to make it a misdemeanor to harbor or aid persons who violate conditions of probation or persons whose probation has been revoked.
Referred to **Special Ways and Means Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 96 (Senate Committee Substitute), a bill to simplify and codify the rules of evidence, upon third reading.

Senator Allsbrook offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

Senator Allsbrook moves that the vote by which the Senate Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

The Senate Committee Substitute bill remains on the Calendar for further consideration, upon third reading.

S. B. 107 (House Committee Substitute), a bill to revise the annexation laws, for concurrence in the House Committee Substitute bill, upon second reading.

On motion of Senator Plyler, the Senate concurs in the House Committee Substitute bill, upon second reading, by roll-call vote, ayes 43, noes 5, as follows:

Voting in the affirmative: Senators Alford, Barnes of Forsyth, Childers, Daniels,

Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—43.

Voting in the negative: Senators Allred, Allsbrook, Ballenger, Barnes of Wayne, and Kincaid—5.

The House Committee Substitute bill remains on the Calendar for concurrence, upon third reading.

S. B. 543 (Committee Substitute), a bill to regulate architects and engineers in their relations with contractors.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Hancock to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 587 (Committee Substitute), a bill prohibiting contests involving firearms on or near an ABC permit holder's premises, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 606, a bill to change the date on which members of county boards of elections, registrars and judges of elections are appointed.

On motion of Senator Woodard, duly seconded, the bill is postponed indefinitely.

S. B. 626, a bill to tax all commercially manufactured swine, livestock, and poultry equipment used by farmers at a uniform rate, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, White, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 110 (Senate Committee Substitute), a bill to authorize the Legislative Committee on Occupational and Professional Licensure to assess proposals for the establishment or revision of licensing laws and programs according to criteria and procedures specified herein.

Senator Hancock offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Edwards of Caldwell to its third reading, the Senate Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 305 (Committee Substitute), a bill to amend the laws pertaining to the Executive Mansion Fine Arts Committee.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 343 (Committee Substitute), a bill to revise portions of Chapter 162 relating to sheriffs, as amended, upon third reading.

Senator Harris of Cleveland offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1 and 2.

H. B. 698, a bill to strengthen the prohibition against dangerous weapons at parades, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 767 (Senate Committee Substitute), a bill to amend G. S. 90-108 to prohibit embezzlement of controlled substances by employees of practitioners and registrants, and to prohibit "doctor shopping" as a means of fraudulently obtaining controlled substances from practitioners.

The Senate Committee Substitute bill passes its second reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 937 (Committee Substitute), a bill to establish a uniform eviction policy, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1139, a bill setting the distribution of profits from the sales of beer and wine in townships.

On motion of Senator Duncan, consideration of the bill is postponed until Wednesday, June 29.

H. B. 1192, a bill to require a conference on jury instructions, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 1221 (Senate Committee Substitute), a bill to exempt certain limited partnership debt obligations from the application of the State's interest laws.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1222, a bill to allow county service districts established for fire protection purposes to also furnish emergency medical, rescue and ambulance services, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson. Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, White, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 1226 (Senate Committee Substitute), a bill to clarify the time when municipal ordinances are introduced.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S. J. R. 563, a joint resolution honoring the life and memory of Marion D. Thorpe.

On motion of Senator Daniels, seconded by Senator Harrington, the joint resolution is postponed indefinitely.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 298 (Committee Substitute), an act to allow issuance of fictitious drivers' licenses and registration plates for alcohol law enforcement agents and Division of Motor Vehicles law enforcement personnel. (Ch. 629)

S. B. 307, an act to amend the statute providing an annual fee for emergency planning for each fixed nuclear facility within the State of North Carolina to include such fee for any facility with a Plume Exposure Pathway Emergency Planning Zone which extends into this State. (Ch. 622)

S. B. 547, an act to clarify the responsibility of the State Board of Education for the State's school transportation system. (Ch. 630)

S. J. R. 586, a joint resolution honoring Lee Burrus Nichols, a former member of the General Assembly. (Res. 36)

H. B. 38 (Senate Committee Substitute), an act to rewrite and repeal certain criminal statutes regarding contracts between landlords and tenants. (Ch. 623)

H. B. 434 (Committee Substitute), an act to provide a statutory short form power of attorney and a durable power of attorney statute as recommended by the General Statutes Commission. (Ch. 626)

H. B. 658 (Committee Substitute), an act to protect renters of apartment buildings being converted to condominiums. (Ch. 624)

H. B. 737 (Committee Substitute), an act to amend the Employment Security Law to assure federal compliance and other technical amendments. (Ch. 625)

H. B. 1114, an act to amend Article 12, G. S. 115C-189 to allow the State Board of Education to select the type of annual test to be used in the first, second, third, sixth and ninth grades. (Ch. 627)

H. J. R. 1135, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina. (Res. 37)

H. B. 1197, an act to amend the Workers' Compensation Security Fund Act. (Ch. 628)

On motion of Senator Lawing, seconded by Senator Alford, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED-TWENTIETH DAY

SENATE CHAMBER,
Tuesday, June 28, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Neil Bain, Minister of Ernest Myatt Presbyterian Church, as follows:

"Our Father, teach us that all of life is Your gift to us and that no matter how filled with darkness, that the darkness cannot overcome Your light.

"Teach us to be good stewards of the tasks of this day;

"Teach us that the wisdom of God is better than the wisdom of men;

"And in Your knowledge and wisdom grant that we might walk this day. Amen."

Senator Allsbrook for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Childers for today.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 53
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
June 28, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Com. Sub. for H. C. S. for H. B. No. 53, A BILL TO BE ENTITLED AN ACT TO MAKE AMENDMENTS CONCERNING THE ADVISORY BUDGET COMMISSION AND OTHER BOARDS TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMITTEE ON SEPARATION OF POWERS, and requests conferees. The Speaker has appointed Representatives Miller, Watkins, Adams, Helms, and Wright on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Allsbrook moves that the President appoint conferees, which motion prevails.

The President appoints Senators Allsbrook, Royall, Jenkins, Swain, and Harris of Cleveland as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 124
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
June 27, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Sen. Com. Sub. for H. C. S. for H. B. No. 124, A BILL TO BE ENTITLED AN ACT TO EXPAND THE USE OF OUTPATIENT INVOLUNTARY COMMITMENTS FOR THE MENTALLY ILL, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

H. B. 255
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
June 28, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Com. Sub. for House Com. Sub. for H. B. No. 255, A BILL TO BE ENTITLED AN ACT TO AMEND GENERAL STATUTES CHAPTER 74C, THE PRIVATE PROTECTIVE SERVICES ACT, and requests conferees. The Speaker has appointed Representatives Bumgardner, Huskins, and N. J. Crawford on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Rauch moves that the President appoint conferees, which motion prevails. The President appoints Senators Rauch, Edwards of Caldwell, and Winner as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 413
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
June 27, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Sen. Com. Sub. #2 for H. B. No. 413, A BILL TO BE ENTITLED AN ACT TO MAKE AMENDMENTS TO THE EQUITABLE DISTRIBUTION ACT, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

June 28, 1983

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Alford for the **Appropriations Committee on Natural and Economic Resources:**

H. B. 1116, a bill to require State agencies and political subdivisions to cooperate in efforts to promote the use of small, minority and women contractors in public construction and purchasing contracts, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Alford, the rules are suspended and the Senate Committee Substitute bill which changes the title to read **H. B. 1116** (Senate Committee Substitute), a bill to require state agencies and political subdivisions to cooperate in efforts to promote the use of small, minority, physically handicapped and women contractors in public construction and purchasing contracts, is placed before the Senate for immediate consideration.

On motion of Senator Alford, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 30.

By Senator Tally for the **Higher Education Committee:**

H. B. 818, a bill to require local tax-levying authority approval for all improvements to community colleges and technical institutes funded from private sources before the local tax-levying authority will be responsible for local financial support, with an unfavorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 634, a bill regarding continuance of foreclosure hearings when all parties have not been properly served, with a favorable report, as amended.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 317, a bill to specifically include money used in drug dealing as property subject to forfeiture under the Controlled Substances Act, with an unfavorable report.

S. B. 318 (Committee Substitute), a bill to increase the punishment for child abuse so it more accurately reflects the seriousness of the crime, with a favorable report as to concurrence.

S. B. 537, a bill to include vested pension or retirement rights in marital property for purposes of equitable distribution, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Pensions and Retirement Committee.**

H. B. 544 (Committee Substitute No. 2), a bill to require a law enforcement officer who arrests or issues a citation to an unemancipated minor to inform the minor's parents of the arrest or citation, with a favorable report, as amended.

H. B. 567 (Committee Substitute), a bill to amend the Statutes 14-107 to mandate restitution for worthless checks through community service work, if needed, with a favorable report, as amended.

H. B. 1199, a bill to clarify the position of County Commissioners serving on other boards whose members are appointed by the Board of County Commissioners, with a favorable report.

By Senator Rand for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

H. B. 356, a bill to delay the effective date for the removal of juveniles from jails, with a favorable report.

On motion of Senator Rand, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 833, a bill to establish an intensive probation program in the Division of Adult Probation and Parole, with a favorable report, as amended.

H. B. 1016, a bill to amend the subpoena law relating to medical records, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee:**

H. B. 395, a bill to incorporate the Town of Dobbins Heights in Richmond County, with a favorable report.

H. B. 620, a bill to revise and consolidate the Charter of the City of Southport and to repeal prior local acts, with a favorable report.

H. B. 776, a bill to make miscellaneous changes in local laws affecting Orange County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Marion, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Marion, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 30.

H. B. 849 (Committee Substitute), a bill to permit Edgecombe County to sell impounded dogs and cats to registered institutions, with a favorable report, as amended.

H. B. 1206, a bill pertaining to the use of school buses in Brunswick County, with a favorable report.

H. B. 1241, a bill to provide that when a vacancy occurs in the Office of Sheriff of Richmond County, the Clerk of the Superior Court shall appoint a person as Sheriff from the same political party as his predecessor, with a favorable report.

H. B. 1249, a bill to include two satellite areas within the corporate limits of the Town of Bakersville, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

June 28, 1983

By Senators Royall, Hancock, and Jordan:

S. B. 645, a bill to appropriate funds to the Department of Human Resources for fiscal years 1983-85 to be used to support the establishment of a statewide poison control center.

Referred to **Special Ways and Means Committee.**

Senator Hardison moves that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senators Hardison and Royall:

S. B. 649, a bill to authorize the Director of the Budget to continue expenditures for the operation of government at the level in effect on June 30, 1983.

On motion of Senator Hardison, the rules are suspended and the bill is placed before the Senate for immediate consideration. The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

Senator Jordan requests to be recorded voting "aye."

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 188 (Committee Substitute No. 3), a bill to provide that counties and cities may not authorize the construction of buildings or structures of more than three stories or thirty-five feet high on mountain ridges at altitudes of more than twenty-nine hundred and fifty feet and providing for certain exceptions, for concurrence in the House Committee Substitute bill which changes the title to read **S. B. 188** (House Committee Substitute), a bill to regulate the height of tall buildings or structures on mountain ridges.

Referred to **Special Ways and Means Committee.**

S. B. 599 (House Committee Substitute), a bill to allow community water systems the same exemption from boiler regulations as now available to private residences and small apartment houses for their hydropneumatic pressure tanks, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, June 29.

H. B. 282 (Committee Substitute), a bill to provide for increased penalties for the driver of any motor vehicle failing to yield to a pedestrian in a school crosswalk.

Referred to **Special Ways and Means Committee.**

H. B. 426 (Committee Substitute), a bill to authorize various transient occupancy taxes, to authorize counties to levy one-half percent sales and use taxes, to allow localities to spend sales tax revenue on housing, and to change the method of funding for members of the Law Enforcement Officers' Retirement System who are local government employees.

Referred to **Special Ways and Means Committee.**

H. B. 1076 (Committee Substitute), a bill to increase minimum requirement for financial responsibility proof or security deposit requirements to five hundred dollars.

Referred to **Special Ways and Means Committee.**

H. B. 1173 (Committee Substitute), a bill to modify the burden of proof and punishment for allowing prisoners to escape.

Referred to **Special Ways and Means Committee.**

H. B. 1283 (Committee Substitute), a bill to limit cities in their requirements for dedication of water systems as part of subdivision regulations applicable to areas outside of the city limits.

Referred to **Special Ways and Means Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 107 (House Committee Substitute), a bill to revise the annexation laws, for concurrence in the House Committee Substitute bill, upon third reading.

On motion of Senator Plyler, the Senate concurs in the House Committee Substitute bill upon third reading by roll-call vote, ayes 38, noes 9, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Forsyth, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, Winner, and Woodard—38.

Voting in the negative: Senators Allred, Allsbrook, Barnes of Wayne, Duncan, Harris of Cleveland, Kincaid, Redman, White, and Wright—9.

The House Committee Substitute bill is ordered enrolled.

S. B. 147 (Committee Substitute), a bill relating to the law enforcement authority of wildlife protectors.

On motion of Senator Thomas of Craven, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 308 (House Committee Substitute), a bill to establish a North Carolina Energy Development Authority, for concurrence in the House Committee Substitute bill, upon second reading.

On motion of Senator Guy, the Senate concurs in the House Committee Substitute bill, upon second reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Woodard—46.

Voting in the negative: Senator Wright—1.

The House Committee Substitute bill remains on the Calendar for concurrence, upon third reading.

S. B. 543 (Committee Substitute), a bill to regulate architects and engineers in their relations with contractors, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

S. B. 626, a bill to tax all commercially manufactured swine, livestock, and poultry equipment used by farmers at a uniform rate, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H. B. 110 (Senate Committee Substitute), a bill to authorize the Legislative Committee on Occupational and Professional Licensure to assess proposals for the establishment or revision of licensing laws and programs according to criteria and procedures specified herein, as amended, upon third reading.

On motion of Senator Hancock, consideration of the Senate Committee Substitute bill, as amended, is postponed until Wednesday, June 29.

H. B. 502 (Committee Substitute), a bill to amend G. S. 105-275 concerning exclusions from the property tax base for pollution control purposes, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 40, noes 5, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, White, Winner, and Woodard—40.

Voting in the negative: Senators Allred, Guy, Redman, Warren, and Wright—5.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 545 (Senate Committee Substitute), a bill to amend Chapter 25A of the General Statutes to clarify certain types of "sale" in the Retail Installment Sales Act.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 864 (Senate Committee Substitute), a bill to make statewide Chapter 85C of the General Statutes relating to bail bondsman by repealing the exemptions for New Hanover and Robeson Counties, and to repeal local acts relating to the New Hanover County Law Library.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 905 (Senate Committee Substitute), a bill to eliminate the Judicial Council and reconstitute the North Carolina Courts Commission.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1222, a bill to allow county service districts established for fire protection purposes to also furnish emergency medical, rescue and ambulance services, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 37 (Committee Substitute), an act to recodify certain criminal statutes regarding jail confinements. (Ch. 631)

H. B. 305 (Committee Substitute), an act to amend the laws pertaining to the Executive Mansion Fine Arts Committee. (Ch. 632)

H. B. 698, an act to strengthen the prohibition against dangerous weapons at parades. (Ch. 633)

H. B. 773, an act to authorize the Department of Transportation to lease the right-of-way of Interstate Highway 40 to the City of Winston-Salem for a parking facility. (Ch. 634)

H. J. R. 1184, a joint resolution honoring the life and memory of Marion D. Thorpe. (Res. 38)

H. B. 1192, an act to require a conference on jury instructions. (Ch. 635)

On motion of Senator Lawing, seconded by Senator Harrington, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED TWENTY-FIRST DAY

SENATE CHAMBER,
Wednesday, June 29, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, as we gather before You this day, we confess that we are a people who long for unity and brotherhood, but often find ourselves in conflict. Help us to rid

ourselves of the jealousies, prejudices and greed that give rise to enmity between persons. Build up in us instead the virtues of compassion, understanding and charity. We pray today for laborers and managers, Republicans and Democrats, liberals and conservatives, believers and non-believers, and all who sometimes find themselves in opposition to each other. Help us to see the common bonds of humanity that draw us together rather than the shades of difference that set us apart. As we are one in our relationship to You, help us to be at one with each other — working together to fulfill Your purpose in creation. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harris of Mecklenburg and Childers for today.

CONFERENCE REPORT

H. B. 800
(Senate Committee Substitute)

Senator Edwards of Caldwell, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 800** (Senate Committee Substitute), a bill to amend Chapter 65 relating to funeral and burial trust funds, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute for House Committee Substitute #2 for House Bill 800, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 65 RELATING TO FUNERAL AND BURIAL TRUST FUNDS, wish to report as follows:

The Conference Committee recommends that the differences between the Senate and House of Representatives regarding the Senate Committee Substitute for House Committee Substitute #2 for House Bill 800 be resolved by amending the Senate Committee Substitute for H. B. 800 on page 5 by deleting line 1-15 and substituting:

"(b) Before any trust funds may be transferred to a financial institution that is not a party to a pre-need burial contract, the licensee shall notify the Commissioner of the name and address of the intended transferee financial institution; and before the transfer may be made, the transferee financial institution shall agree to make the disclosure required under the pre-need burial contract to the Commissioner or his designated examiner. If the contract is revocable, the licensee shall notify the contracting party of the intended transfer."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

June 29, 1983

This the 29th day of June 1983.

JIM EDWARDS	W. PAUL PULLEY
BENJAMIN TISON	LOUISE BRENNAN
CECIL R. JENKINS	ROBERT C. HUNTER
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

On motion of Senator Edwards of Caldwell, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee:**

H. B. 684 (Committee Substitute), a bill to establish the crime of involuntary servitude, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator White, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator White, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, July 1.

By Senator Rauch for the **Finance Committee:**

S. B. 278 (Committee Substitute), a bill to recodify the public hospital laws in Chapter 131 and 131B and in portions of Chapter 130 of the General Statutes, with a favorable report, as amended.

S. B. 556, a bill to amend G. S. 143-134.1 to require timely payments to subcontractors and to prevent retainage percentages on subcontract payments to exceed those on prime contract payments, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, July 1.

H. B. 177, a bill providing compensation for innocent victims of crime, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Senate Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

H. B. 955, a bill to allow taxpayers to elect to apply any income tax refund owed them to their estimated income tax liability for the following year, with a favorable report.

Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 638, a bill to make a technical amendment to Chapter 23 of the 1983 Session Laws to authorize the Department of Human Resources to fix payments for services rendered to the public, with a favorable report.

H. B. 1215, a bill to classify methaqualone as a Schedule I controlled substance, with a favorable report, as amended.

By Senator Jenkins for the **Insurance Committee:**

S. B. 479 (House Committee Substitute), a bill to clarify a provision in the group health insurance continuation and conversion privileges law, with a favorable report, as to concurrence.

S. B. 581, a bill to provide that companies writing automobile insurance shall provide the insured with an identification card at policy renewal and that automobile insurance surcharges may only be imposed after final convictions, with an unfavorable report.

H. B. 56 (Committee Substitute), a bill to amend the safe driver insurance plan provisions by increasing the property damage threshold for chargeable accidents and eliminating surcharges for certain speeding traffic violations, with a favorable report, as amended.

H. B. 924, a bill to amend G. S. 58-79(a)(12) regarding life insurance company investments in computer systems, with a favorable report.

H. B. 925, a bill to amend G. S. 58-43 relating to nonresident agents, with a favorable report, as amended.

H. B. 926 (Committee Substitute), a bill to amend G. S. 58-40(a) relating to the licensing of life insurance agents, with a favorable report.

H. B. 1009, a bill to amend G. S. 58-79(a) pertaining to life insurance company investments in futures contracts, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

H. B. 1260, a bill to make technical conforming changes in the rape indictment statute as a result of Chapter 175 of the Session Laws of 1983, with a favorable report, as amended.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

H. B. 1273 (Committee Substitute), a bill to abolish the Earth Resources Council, with a favorable report.

By Senator Plyler for the **Pensions and Retirement Committee:**

S. B. 517, a bill to provide a seven percent across-the-board salary increase for all State employees and educators, full increments for public school employees and the equivalent of a four and eight-tenths percent step increase for all State employees, a tenth step for all State employees and educators who are currently on a salary schedule with only nine steps, and a seven percent increase in retirement allowances, with a favorable report.

On motion of Senator Plyler, the bill is re-referred to the **Appropriations Committee.**

S. B. 532, a bill to create the Uniform Registers of Deeds Retirement System of North Carolina, with a favorable report, as amended.

On motion of Senator Plyler, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S. B. 537 (Committee Substitute), a bill to include vested pension or retirement rights in marital property for purposes of equitable distribution, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Hardison offers Amendment No. 1 which is adopted (electronically recorded).

Senator Johnson offers Amendment No. 2 which is adopted (electronically recorded).

Senator Harris of Cleveland offers a motion that the Committee Substitute bill, as amended, be re-referred to a **Select Committee on S. B. 537,** which motion fails to prevail (electronically recorded).

Senator Rauch offers Amendment No. 3 which is adopted (electronically recorded).

Senator Winner offers Amendment No. 4 which fails of adoption (electronically recorded).

Senator Allsbrook offers a motion that consideration of the Committee Substitute bill, as amended, be postponed until tomorrow, June 30, with a working-engrossed copy ordered, which motions prevail.

Senator Lawing moves that the vote by which the motion to place the Committee Substitute bill, as amended, on the Calendar for tomorrow, June 30, be reconsidered, which motion prevails (electroncially recorded).

The Committee Substitute bill, as amended, remains before the Senate for further consideration.

On motion of Senator Lawing, the Committee Substitute bill, as amended, is re-referred to the **Judiciary III Committee.**

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. B. 464, a bill to establish the North Carolina Employment and Training Program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lawing, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Lawing, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 1.

By Senator Swain for the **Special Ways and Means Committee:**

S. B. 642, a bill to make changes to the membership and appointment authority of the North Carolina Criminal Justice Education and Training Standards Commission, with a favorable report.

S. J. R. 643, a joint resolution authorizing the Legislative Research Commission to study the issue of the rapidly increasing cost of providing attorneys and guardians *ad litem* to indigents, with a favorable report.

On motion of Senator Swain, the joint resolution is re-referred to the **Appropriations Committee.**

H. B. 1173 (Committee Substitute), a bill to modify the burden of proof and punishment for allowing prisoners to escape, with a favorable report.

H. J. R. 1308, a joint resolution authorizing the Legislative Research Commission to study the local financing of community colleges, with a favorable report.

On motion of Senator Swain, the joint resolution is re-referred to the **Appropriations Committee.**

By Senator Hancock for the **State Government Committee:**

H. B. 1160 (Committee Substitute), a bill to make the employees of the Agency for Public Telecommunications subject to the State Personnel Act, with a favorable report.

By Senator Hancock for the **State Government/Election Laws Committee:**

H. B. 1237, a bill to restore the 1975 law on termination of employment of a county supervisor of elections, with a favorable report, as amended.

By Senator Hancock for the **State Government/Senior Citizens Committee:**

H. B. 688, a bill to amend the licensing of domiciliary homes for the aged or disabled and the Domiciliary Bill of Rights, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hancock, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 688** (Senate Committee Substitute), a bill to amend the licensing of domiciliary homes for the aged and disabled and the Domiciliary Bill of Rights, is placed before the Senate for immediate consideration.

On motion of Senator Hancock, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, July 1.

By Senator Thomas of Henderson for the **Ways and Means/Small Business Committee:**

H. B. 1177, a bill to require the Department of Administration to publish a North Carolina Purchase Registry, with a favorable report, as amended.

On motion of Senator Thomas of Henderson, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Thomas of Henderson, the bill, as amended, is re-referred to the **Appropriations Committee.**

By Senator Thomas of Henderson for the **Ways and Means/Transportation Committee:**

S. B. 593, a bill to require all alcoholic beverages sold in this State to carry a warning of the hazards of drinking, with an unfavorable report as to bill, but favorable as to Committee Substitute joint resolution.

On motion of Senator Thomas of Henderson, the rules are suspended and the Committee Substitute joint resolution which changes the bill to a joint resolution and the title to read, **S. J. R. 593** (Committee Substitute), a joint resolution authorizing the Legislative Research Commission to study the issue of requiring all alcoholic beverages sold in this state to carry a warning of the hazards of drinking, is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Henderson, the Committee Substitute joint resolution is adopted, and on his further motion is placed on the Calendar for Friday, July 1.

RE-REFERRAL

H. B. 1213, a bill to prevent the use of artificial lights in taking depredating deer.

On motion of Senator Barnes of Wayne the bill is taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **Judiciary III/Law Enforcement Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Tally, Davis, Edwards of Caldwell, Marvin, Martin, White, Ward, and Warren:

S. J. R. 646, a joint resolution authorizing the Legislative Research Commission to sudy the financing of community colleges.

Referred to **Special Ways and Mean Committee.**

By Senators Davis (by request), Childers, Hancock, and Johnson:

S. B. 647, a bill to abolish the sale of tax liens to private purchasers.

Referred to **Special Ways and Means Committee.**

By Senators Duncan and Marion:

S. B. 648, a bill to permit local public officials to buy at public auction of that local government.

Referred to **Special Ways and Means Committee.**

By Senators Rand, Barnes of Wayne, Davis, Duncan, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Marvin, Parnell, Plyler, Royall, Soles, Staton, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, Winner, and Woodard:

S. B. 650, a bill to authorize the Governor to appoint a clerk of superior court to the Governor's Crime Commission.

Referred to **Special Ways and Means Committee.**

By Senators Duncan, Royall, Hancock, Hardison, Hipps, Jenkins, Jordan, Lawing, Plyler, Rand, Rauch, Swain, Thomas of Craven, Walker, and Woodard:

S. B. 651, a bill to consolidate functions relating to building regulations, design, construction, and facilities management within the Department of Administration.

Referred to **Finance Committee.**

Senator Royall moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Royall:

S. J. R. 655, a joint resolution to change the date of nomination and election of the University of North Carolina Board of Governors.

On motion of Senator Royall, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 209 (Committee Substitute), a bill to amend the motor vehicle laws in Chapter 20 of the General Statutes to conform truck weights on State highways to the federal bridge formula and to update the statute by making other changes, for concurrence in House Amendments Nos. 1, 2, and 3 which is placed on the Calendar for tomorrow, June 30.

S. B. 649, a bill to authorize the Director of the Budget to continue expenditures for the operation of government at the level in effect on June 30, 1983, for concurrence in House Amendment No. 1.

On motion of Senator Hardison, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

H. B. 933 (Committee Substitute No. 2), a bill to authorize the alteration of a marriage license when a party to the marriage lawfully changes his or her name.

Referred to **Special Ways and Means Committee.**

H. B. 1006 (Committee Substitute), a bill to require designated agents to be bonded or provide other forms of indemnification for aggrieved persons.

Referred to **Special Ways and Means Committee.**

H. B. 1201, a bill to change the eligibility requirements for use-value classification of agricultural land.

Referred to **Special Ways and Means Committee.**

H. B. 1277 (Committee Substitute), a bill to deny authority to Caswell Beach to exercise jurisdiction under Article 19 of Chapter 160A of the General Statutes over Fort Caswell.

Referred to **Local Government and Regional Affairs Committee.**

H. J. R. 1289, a joint resolution honoring the life and work of Marion Allen Wright.

Referred to **Special Ways and Means Committee.**

H. B. 1314 (Committee Substitute), a bill to authorize cities to sell property in community development programs to redevelopers at private sale.

Referred to **Special Ways and Means Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 308 (House Committee Substitute), a bill to establish a North Carolina Energy

Development Authority, for concurrence in the House Committee Substitute bill, upon third reading.

On motion of Senator Tison, the Senate concurs in the House Committee Substitute bill by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Martin, Marvin, Plyler, Rand, Redman, Royall, Soles, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard and Wright—39.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S. B. 318 (Committee Substitute), a bill to increase the punishment for child abuse so it more accurately reflects the seriousness of the crime, for concurrence in House Amendment No. 1.

On motion of Senator Rand, the Senate concurs in House Amendment No. 1, which changes the title to read, **S. B. 318,** a bill to change the punishment for certain felonies.

The Committee Substitute bill is ordered enrolled.

S. B. 599 (House Committee Substitute), a bill to allow community water systems the same exemption from boiler regulations as now available to private residences and small apartment houses for their hydropneumatic pressure tanks, for concurrence in the House Committee Substitute bill.

On motion of Senator Johnson, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 634, a bill regarding continuance of foreclosure hearings when all parties have not been properly served.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 110 (Senate Committee Substitute), a bill to authorize the Legislative Committee on Occupational and Professional Licensure to assess proposals for the establishment or revision of licensing laws and programs according to criteria and procedures specified herein, as amended, upon third reading.

On motion of Senator Hancock, the Senate Committee Substitute bill, as amended, is recommitted to the **Judiciary II Committee.**

H. B. 395, a bill to incorporate the Town of Dobbins Heights in Richmond County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar, upon third reading.

H. B. 502 (Committee Substitute), a bill to amend G. S. 105-275 concerning exclusions from the property tax base for pollution control purposes, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Woodard—41.

Voting in the negative: Senators Allred and Wright—2.

The Committee Substitute bill is ordered enrolled.

H. B. 544 (Committee Substitute No. 2), a bill to require a law enforcement officer who arrests or issues a citation to an unemancipated minor to inform the minor's parents of the arrest or citation.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

Senator Soles offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill No. 2, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1 and 2.

H. B. 567 (Committee Substitute), a bill to amend the Statutes 14-107 to mandate restitution for worthless checks through community service work, if needed.

On motion of Senator Barnes of Wayne, Committee Amendment No. 1 is adopted.

Senator Martin offers Amendment No. 2 which is adopted (electronically recorded).

On motion of Senator Jenkins, the Committee Substitute bill, as amended, is re-referred to the **Special Ways and Means Committee** (electronically recorded).

H. B. 620, a bill to revise and consolidate the Charter of the City of Southport and to repeal prior local acts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar, upon third reading.

H. B. 833, a bill to establish an intensive probation program in the Division of Adult Probation and Parole.

On motion of Senator Hipps, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 849 (Committee Substitute), a bill to permit Edgecombe County to sell impounded dogs and cats to registered institutions.

On motion of Senator Edwards of Caldwell, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1016, a bill to amend the subpoena law relating to medical records.

Senator Martin offers Amendment No. 1 which he subsequently withdraws.

The bill passes its second reading (electronically recorded).

On objection of Senator Martin to its third reading, the bill remains on the Calendar for further consideration.

H. B. 1139, a bill setting the distribution of profits from the sales of beer and wine in townships.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1199, a bill to clarify the position of County Commissioners serving on other boards whose members are appointed by the Board of County Commissioners.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1206, a bill pertaining to the use of school buses in Brunswick County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1241, a bill to provide that when a vacancy occurs in the Office of Sheriff of Richmond County, the Clerk of the Superior Court shall appoint a person as Sheriff from the same political party as his predecessor.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1249, a bill to include two satellite areas within the corporate limits of the Town of Bakersville, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 107 (House Committee Substitute), an act to revise the annexation laws. (Ch. 636)

H. B. 115 (Committee Substitute), an act to provide for the licensing of residential group care facilities for children. (Ch. 637)

H. B. 124 (Senate Committee Substitute), an act to expand the use of outpatient involuntary commitments for the mentally ill. (Ch. 638)

H. B. 356, an act to delay the effective date for the removal of juveniles from jails. (Ch. 639)

H. B. 413 (Senate Committee Substitute No. 2), an act to make amendments to the Equitable Distribution Act. (Ch. 640)

H. B. 856, an act to clarify the definition of "rule" for purposes of administrative procedure. (Ch. 641)

H. B. 1222, an act to allow county service districts established for fire protection purposes to also furnish emergency medical, rescue and ambulance services. (Ch. 642)

On motion of Senator Lawing, seconded by Senator Parnell, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED TWENTY-SECOND DAY

SENATE CHAMBER,
Thursday, June 30, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, Who created not only this earth but all the spinning galaxies, and Whose providence extends to the limitless boundaries of creation, help us to resist the all too human temptation to become self-centered in our thinking. We see so many problems close at hand that it is easy for us to become wrapped up in local concerns, ignoring the needs of those who are far away. Grant us the wisdom to understand the fragile inter-relationships of events, persons and resources that make up the cosmic ecology and help us to make decisions that are based not only upon our immediate needs, but are supportive of the whole system You have given us. Remind us that we do not own this world, but hold it in trust — and that You will demand an accounting of us for the way in which we have used or abused that which You have given us. Amen."

Senator Jenkins for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

RE-REFERRAL

H. B. 688 (Senate Committee Substitute), a bill to amend the licensing of domiciliary homes for the aged and disabled and the Domiciliary Bill of Rights.

Without objection, the Chair orders the Senate Committee Substitute bill taken from the Calendar for Friday, July 1, and re-referred to the **Human Resources Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Education Committee:**

S. B. 630, a bill to create the Public Education Policy Council, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, July 5.

H. B. 1003 (Committee Substitute), a bill to provide that if property owned by a local board of education is no longer suitable or necessary for public school purposes, the board of county commissioners has the first opportunity to purchase, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 573, a bill to limit to three years the requirement for a bond when a default judgment is taken pursuant to the Rules of Civil Procedure, with a favorable report.

H. B. 436 (Committee Substitute No. 2), a bill to revise G. S. 1A-1, Rule 4(j1), relating to service of process by newspaper publication in order to incorporate court mandated requirements as recommended by the General Statutes Commission, with a favorable report.

H. B. 709 (Committee Substitute), a bill to establish the Alarm Systems Licensing Act, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, July 5.

By Senator Ballenger for Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 537 (Committee Substitute), a bill to include vested pension or retirement rights in marital property for purposes of equitable distribution, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Lawing, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senator Swain for the **Special Ways and Means Committee:**

S. B. 645, a bill to appropriate funds to the Department of Human Resources for fiscal years 1983-85 to be used to support the establishment of a statewide poison control center, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Appropriations Committee.**

S. J. R. 646, a joint resolution authorizing the Legislative Research Commission to study the financing of community colleges, with a favorable report.

On motion of Senator Swain, the joint resolution is re-referred to the **Appropriations Committee.**

S. B. 650, a bill to authorize the Governor to appoint a clerk of superior court to the Governor's Crime Commission, with a favorable report.

H. B. 426 (Committee Substitute), a bill to authorize various transient occupancy taxes, to authorize counties to levy one-half percent sales and use taxes, to allow localities to spend sales tax revenue on housing, and to change the method of funding for members of the Law Enforcement Officers' Retirement System who are local government employees, with a favorable report.

On motion of Senator Swain, the Committee Substitute bill is re-referred to the **Finance Committee.**

H. J. R. 1289, a joint resolution honoring the life and work of Marion Allen Wright, with a favorable report.

H. B. 1316, a bill to make it a misdemeanor to harbor or aid persons who violate conditions of probation or persons whose probation has been revoked, with an unfavorable report.

By Senator Staton for the **State Government Committee:**

S. B. 436, a bill to provide for the licensing of persons practicing occupational therapy, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Parnell:

S. B. 652, a bill to appropriate funds for the Tribal Economic Development Project.
Referred to **Appropriations Committee.**

By Senators Hunt, Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright:

S. J. R. 653, a joint resolution authorizing the Legislative Research Commission to study the creation of a Pollution Prevention Pays Research Center in North Carolina.
Referred to **Special Ways and Means Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 800
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
June 30, 1983

June 30, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Sen. Com. Sub. for HCS #2, H. B. 800, A BILL TO BE ENTITLED AS ACT TO AMEND CHAPTER 65 RELATING TO FUNERAL AND BURIAL TRUST FUNDS and the Speaker has ordered the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 89 (House Committee Substitute), a bill to amend Chapter 50 of the General Statutes to establish procedures to insure payment of child support, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, July 1.

S. B. 323 (Committee Substitute), a bill regarding the method of execution in this State, for concurrence in House Amendments Nos. 1 and 3, which is placed on the Calendar for tomorrow, July 1.

H. B. 265, a bill to establish the North Carolina Housing Commission.
Referred to **Special Ways and Means Committee.**

H. B. 541 (Committee Substitute), a bill to provide an income tax credit for the purchase of conservation tillage equipment for agriculture and forestry.
Referred to **Special Ways and Means Committee.**

H. B. 724, a bill to limit motorboat noise on various lakes.
Referred to **Special Ways and Means Committee.**

H. J. R. 1309, a joint resolution to authorize the Legislative Research Commission to study the disposition of animals by animal shelters and pounds.
Referred to **Special Ways and Means Committee.**

H. B. 1344, a bill to amend qualifications for licensure for nursing home administrators.
Referred to **Human Resources Committee.**

H. B. 1346, a bill concerning certification of crop seeds.
Referred to **Special Ways and Means Committee.**

H. B. 1354, a bill to amend the subpoena law relating to the production of documentary evidence.
Referred to **Special Ways and Means Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 209 (Committee Substitute), a bill to amend the motor vehicle laws in Chapter 20 of the General Statutes to conform truck weights on State highways to the federal bridge formula and to update the statute by making other changes, for concurrence in House Amendments Nos. 1, 2, and 3.

Senator Harrington moves that the Senate do not concur in House Amendments Nos. 1, 2, and 3, and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Harrington, Jordan, and Duncan as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 278 (Committee Substitute), a bill to recodify the public hospital laws in Chapter 131 and 131B and in portions of Chapter 130 of the General Statutes, upon second reading.

On motion of Senator Hancock, consideration of the Committee Substitute bill is postponed until Friday, July 1.

S. B. 479 (House Committee Substitute), a bill to clarify a provision in the group health insurance continuation and conversion privileges law, for concurrence in the House Committee Substitute bill.

On motion of Senator Woodard, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

S. B. 629, a bill to eliminate the fee for special civil air patrol plates.

Pursuant to Rule 42, Senator Rauch offers a motion that the bill be re-referred to the **Finance Committee,** which motion prevails (electronically recorded).

S. B. 638, a bill to make a technical amendment to Chapter 23 of the 1983 Session Laws to authorize the Department of Human Resources to fix payments for services rendered to the public.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 642, a bill to make changes to the membership and appointment authority of the North Carolina Criminal Justice Education and Training Standards Commission.

The bill passes its second reading (electronically recorded).

On objection of Senator Barnes of Wayne to its third reading, the bill remains on the Calendar for further consideration.

H. B. 56 (Committee Substitute), a bill to amend the safe driver insurance plan provisions by increasing the property damage threshold for chargeable accidents and eliminating surcharges for certain speeding traffic violations.

On motion of Senator Jenkins, Committee Amendment No. 1 is adopted.

Senator Jenkins offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Barnes of Forsyth to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 395, a bill to incorporate the Town of Dobbins Heights in Richmond County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford,

Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—49.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 620, a bill to revise and consolidate the Charter of the City of Southport and to repeal prior local acts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—49.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 776 (Senate Committee Substitute), a bill to make miscellaneous changes in local laws affecting Orange County, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar, upon third reading.

H. B. 924, a bill to amend G. S. 58-79(a)(12) regarding life insurance company investments in computer systems.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 925, a bill to amend G. S. 58-43 relating to nonresident agents.

On motion of Senator Jenkins, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 926 (Committee Substitute), a bill to amend G. S. 58-40(a) relating to the licensing of life insurance agents.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 955, a bill to allow taxpayers to elect to apply any income tax refund owed them to their estimated income tax liability for the following year.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1009, a bill to amend G. S. 58-79(a) pertaining to life insurance company investments in futures contracts.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1016, a bill to amend the subpoena law relating to medical records, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 1116 (Senate Committee Substitute), a bill to require state agencies and political subdivisions to cooperate in efforts to promote the use of small, minority, physically handicapped and women contractors in public construction and purchasing contracts.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1160 (Committee Substitute), a bill to make the employees of the Agency for Public Telecommunications subject to the State Personnel Act.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1173 (Committee Substitute), a bill to modify the burden of proof and punishment for allowing prisoners to escape.

Senator Harris of Cleveland offers Amendment No. 1, which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1215, a bill to classify methaqualone as a Schedule I controlled substance.

On motion of Senator Harris of Cleveland, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1237, a bill to restore the 1975 law on termination of employment of a county supervisor of elections.

On motion of Senator Woodard, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1249, a bill to include two satellite areas within the corporate limits of the Town of Bakersville, upon third reading.

The bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford,

Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—49.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1260, a bill to make technical conforming changes in the rape indictment statute as a result of Chapter 175 of the Session Laws of 1983.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1273 (Committee Substitute), a bill to abolish the Earth Resources Council.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 308 (House Committee Substitute), an act to establish a North Carolina Energy Development Authority. (Ch. 652)

S. B. 318 (Committee Substitute), an act to increase the punishment for certain felonies. (Ch. 653)

S. B. 599 (House Committee Substitute), an act to allow community water systems the same exemption from boiler regulations as now available to private residences and small apartment houses for their hydropneumatic pressure tanks. (Ch. 654)

S. B. 649, an act to authorize the Director of the Budget to continue expenditures for the operation of government at the level in effect on June 30, 1983. (Ch. 655)

H. B. 502 (Committee Substitute), an act to amend G. S. 105-275 concerning exclusions from the property tax base for pollution control purposes. (Ch. 643)

H. B. 906 (Senate Committee Substitute), an act to set an earlier filing deadline for cities that use the nonpartisan plurality method of election. (Ch. 644)

H. B. 911 (Senate Committee Substitute), an act to provide that the applicable court shall make the division of the settlement or judgment costs among joint tort-feasors in actions brought under the Workers' Compensation Act when they cannot agree and providing for limitations of its applicability. (Ch. 645)

H. B. 918 (Committee Substitute), an act to make injuring law enforcement agency animals a general misdemeanor. (Ch. 646)

H. B. 1139, an act setting the distribution of profits from the sales of beer and wine in townships. (Ch. 650)

H. B. 1199, an act to clarify the position of County Commissioners serving on other boards whose members are appointed by the Board of County Commissioners. (Ch. 651)

H. B. 1206, an act pertaining to the use of school buses in Brunswick County. (Ch. 647)

H. B. 1227 (Committee Substitute), an act to authorize city and county clerks to administer oaths of office. (Ch. 648)

H. B. 1241, an act to provide that when a vacancy occurs in the Office of Sheriff of Richmond County, the Clerk of the Superior Court shall appoint a person as Sheriff from the same political party as his predecessor. (Ch. 649)

On motion of Senator Lawing, seconded by Senator Hunt, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED TWENTY-THIRD DAY

SENATE CHAMBER,
Friday, July 1, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, as we prepare to celebrate the anniversary of our Declaration of Independence as a nation, help us to remember that freedom is a privilege neither easily won nor maintained. We give You thanks for those whose lives were given in battle; for those whose words stirred a nation, for those who kept the vision and the hope alive through long nights of despair. Grant to us in these times a fresh understanding of what it means to enjoy the freedom to speak and print our own opinions, to worship or not to worship without fear of reprisal, to participate openly and vigorously in the formation of the laws which govern us, and to choose those to whom we give the tokens of leadership. May what we do in this room and in other places where free men and women assemble be found worthy of the great heritage that is ours. You have blessed us with more than we need or deserve. Help us to be wise, fair, and thankful in the way we use these blessings. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and its stands approved as written.

The President grants leaves of absence to Senators Harris of Mecklenburg and Kincaid for today and to Senator Allred for Tuesday, Wednesday, and Friday, July 5, 6, and 8.

The President extends courtesies of the floor to I. Beverly Lake, Jr., former Senator from Wake County.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 209
(Committee Substitute)

HOUSE OF REPRESENTATIVES
June 30, 1983

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment Nos. 1, 2, & 3 to SCS to S. B. No. 209, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE LAWS IN CHAPTER 20 OF THE GENERAL STATUTES TO CONFORM TRUCK WEIGHTS ON STATE HIGHWAYS TO THE FEDERAL BRIDGE FORMULA AND TO UPDATE THE STATUTE BY MAKING OTHER CHANGES, the Speaker has appointed as conferees on the part of the House, Representatives Bumgardner, Wicker, and Mavretic to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

H. B. 503
(Committee Substitute)

HOUSE OF REPRESENTATIVES
June 30, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Com. Sub. for H. B. No. 503, A BILL TO BE ENTITLED AN ACT SETTING THE DATE FOR VALUATION OF PROPERTY DIVIDED UNDER EQUITABLE DISTRIBUTION, and the Speaker has ordered the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

H. B. 1221
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
June 30, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Com. Sub. for HCS for H. B. No. 1221, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN LIMITED PARTNERSHIP DEBT OBLIGATIONS FROM THE APPLICATION OF THE STATE'S INTEREST LAWS, and requests conferees. The Speaker has appointed Representatives Evans, Warren, and Tennille on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Edwards of Caldwell moves that the President appoint conferees, which motion prevails. The President appoints Senators Edwards of Caldwell, Tison, and

Lawing as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Duncan for the **Finance Committee:**

S. B. 134, a bill regarding taxation of wine made from North Carolina grapes, with an unfavorable report.

S. B. 435, a bill to provide an income tax credit for adaptive devices and equipment for the handicapped, with an unfavorable report as to bill, but favorable as to Committee Substitute joint resolution.

On motion of Senator Duncan, the rules are suspended and the Committee Substitute joint resolution, which changes the bill to a joint resolution and the title to read **S. J. R. 435** (Committee Substitute), a joint resolution authorizing the Legislative Research Commission to study the issue of providing an income tax credit for certain adaptive devices and equipment used by handicapped individuals, is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Committee Substitute joint resolution is adopted, and on his further motion is placed on the Calendar for Tuesday, July 5.

H. B. 28, a bill to provide an unlimited gift tax exclusion for certain educational and medical payments, with a favorable report.

H. B. 644, a bill to allow Gaston County to regulate vehicle towing businesses within the unincorporated areas of Gaston County, with a favorable report.

H. B. 1156, a bill to classify for ad valorem tax purposes certain real property owned by nonprofit corporations organized for historic preservation purposes, with a favorable report.

By Senator Soles for the **Judiciary II Committee:**

S. B. 514, a bill to amend G. S. 14-322 to permit garnishment of up to forty percent of wages for willful failure to provide child support, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, July 5.

H. B. 110 (Senate Committee Substitute), a bill to authorize the Legislative Committee on Occupational and Professional Licensure to assess proposals for the establishment or revision of licensing laws and programs according to criteria and procedures specified herein, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Hancock, the rules are suspended (electronically recorded) and

the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

The Senate Committee Substitute bill No. 2 passes its second reading (electronically recorded).

On objection of Senator Hancock to its third reading, the Senate Committee Substitute bill No. 2 remains on the Calendar for further consideration.

H. B. 654 (Committee Substitute), a bill to establish a procedure for revoking consent to adoption, with a favorable report.

H. B. 1239 (Committee Substitute), a bill to provide for disposal of personal and other property in condemned buildings, with a favorable report.

H. B. 1284, a bill authorizing registers of deeds to maintain computer indexes, with a favorable report.

By Senator Swain for the **Special Ways and Means Committee:**

S. B. 188 (House Committee Substitute), a bill to regulate the height of tall buildings or structures on mountain ridges, with a favorable report as to concurrence.

On motion of Senator Swain, the rules are suspended (electronically recorded) and the House Committee Substitute bill is placed before the Senate for immediate consideration, upon concurrence.

On motion of Senator Swain, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

S. B. 647, a bill to abolish the sale of tax liens to private purchasers, with a favorable report.

S. J. R. 653, a joint resolution authorizing the Legislative Research Commission to study the creation of a Pollution Prevention Pays Research Center in North Carolina, with a favorable report.

On motion of Senator Swain, the joint resolution is re-referred to the **Appropriations Committee.**

H. B. 567 (Committee Substitute), a bill to amend the Statutes 14-107 to mandate restitution for worthless checks through the community service work, if needed, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 567** (Senate Committee Substitute), a bill to amend the Statutes 14-107 for worthless checks, is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, July 5.

H. B. 1006 (Committee Substitute), a bill to require designated agents to be bonded or provide other forms of indemnification for aggrieved persons, with a favorable report.

H. B. 1076 (Committee Substitute), a bill to increase minimum requirement for financial responsibility proof or security deposit requirements to five hundred dollars, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Martin, Royall, Tally, and Ward:

S. J. R. 654, a joint resolution authorizing the Legislative Research Commission to study the financing of the constituent institutions of the University of North Carolina and private and independent colleges and universities.
Referred to **Special Ways and Means Committee.**

By Senator Hancock:

S. J. R. 656, a joint resolution permitting the Legislative Research Commission to study public health facility laws.
Referred to **Special Ways and Means Committee.**

By Senators Hancock and Royall:

S. J. R. 657, a joint resolution authorizing the Legislative Research Commission to study life care arrangements.
Referred to **Special Ways and Means Committee.**

By Senators Tison and Lawing:

S. B. 658, a bill to amend Chapters 58 and 66 of the General Statutes to allow for limited licensing of motor club sales agents to provide insurance.
Referred to **Special Ways and Means Committee.**

By Senators Martin, Jordan, Ballenger, Barnes of Forsyth, Hipps, Marion, Thomas of Henderson, and Winner:

S. B. 659, a bill creating the Study Commission on Fiscal Planning and Accountability.
Referred to **Special Ways and Means Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 508, a bill to clarify the State Treasurer's investment authority and to enhance the management of the Trust Fund Investment Program, for concurrence in House Amendment No. 1 which is placed on the Calendar for Wednesday, July 6.

H. B. 385 (Committee Substitute), a bill authorizing a court to order procurement of a proper license.
Referred to **Special Ways and Means Committee.**

H. B. 517 (Committee Substitute), a bill to revise the statutes relating to the State Auditor.
Referred to **Special Ways and Means Committee.**

H. B. 1319, a bill to make certain changes to various consumer protection statutes.
Referred to **Special Ways and Means Committee.**

H. B. 1332 (Committee Substitute), a bill to require that a person ordered to attend D.W.I. school shall attend the school in the county of residence unless extenuating circumstances exist.

Referred to **Special Ways and Means Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

H. B. 56 (Committee Substitute), a bill to amend the safe driver insurance plan provisions by increasing the property damage threshold for chargeable accidents and eliminating surcharges for certain speeding traffic violations, as amended, upon third reading.

Senator Barnes of Forsyth offers Amendment No. 3 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1, 2, and 3.

H. B. 436 (Committee Substitute No. 2), a bill to revise G. S. 1A-1, Rule 4(j1), relating to service of process by newspaper publication in order to incorporate court mandated requirements as recommended by the General Statutes Commission.

The Committee Substitute bill No. 2 passes its second (electroncially recorded) and third readings and is ordered enrolled.

H. B. 684 (Senate Committee Substitute), a bill to establish the crime of involuntary servitude.

Senator White offers Amendment No. 1 which is adopted (electronically recorded).

Senator Martin offers Amendment No. 2 which is adopted (electronically recorded).

Senator Martin offers Amendment No. 3 which he subsequently withdraws.

Senator Swain offers Amendment No. 4 which is adopted (electronically recorded).

Senator Hancock offers a motion that the Senate Committee Substitute bill, as amended, be re-referred to the **Judiciary II Committee.**

Senator Harris of Cleveland offers a substitute motion that the Senate Committee Substitute bill, as amended, be re-referred to the **Human Resources Committee,** which motion he subsequently withdraws.

Senator White offers a substitute motion that the Senate Committee Substitute bill, as amended, be recommitted to the **Agriculture Committee,** which motion prevails.

H. B. 776 (Senate Committee Substitute), a bill to make miscellaneous changes in local laws affecting Orange County, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Cleveland, Hipps, Hunt, Jenkins, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Staton, Swain, Thomas of Craven, Tison, Ward, Warren, White, Winner, and Woodard—36.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1003 (Committee Substitute), a bill to provide that if property owned by a local board of education is no longer suitable or necessary for public school purposes, the board of county commissioners has the first opportunity to purchase.

On motion of Senator Lawing, the Committee Substitute bill is re-referred to a **Select Committee on H. B. 1003.**

H. J. R. 1289, a joint resolution honoring the life and work of Marion Allen Wright.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

S. B. 89 (House Committee Substitute), a bill to amend Chapter 50 of the General Statutes to establish procedures to insure payment of child support, for concurrence in the House Committee Substitute bill.

On motion of Senator Marvin, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

S. B. 278 (Committee Substitute), a bill to recodify the public hospital laws in Chapter 131 and 131B and in portions of Chapter 130 of the General Statutes, upon second reading.

On motion of Senator Hancock, consideration of the Committee Substitute bill is postponed until Wednesday, July 6.

S. B. 323 (Committee Substitute), a bill regarding the method of execution in this State, for concurrence in House Amendments Nos. 1 and 3.

On motion of Senator Davis, the Senate concurs in House Amendments Nos. 1 and 3 (electronically recorded) and the Committee Substitute bill is ordered enrolled.

S. B. 464 (Committee Substitute), a bill to establish the North Carolina Employment and Training Program.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 556 (Committee Substitute), a bill to amend G. S. 143-134.1 to require timely payments to subcontractors and to prevent retainage percentages on subcontract payments to exceed those on prime contract payments.

On motion of Senator Duncan, consideration of the Committee Substitute bill is postponed until Thursday, July 7.

S. B. 573, a bill to limit to three years the requirement for a bond when a default judgment is taken pursuant to the Rules of Civil Procedure.

On motion of Senator Allsbrook, consideration of the bill is postponed until Wednesday, July 6.

S. J. R. 593 (Committee Substitute), a joint resolution authorizing the Legislative Research Commission to study the issue of requiring all alcoholic beverages sold in this State to carry a warning of the hazards of drinking.

On motion of Senator Warren, the Committee Substitute joint resolution is re-referred to the **Appropriations Committee.**

S. B. 642, a bill to make changes to the membership and appointment authority of the North Carolina Criminal Justice Education and Training Standards Commission, upon third reading.

Senator Barnes of Wayne offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 650, a bill to authorize the Governor to appoint a clerk of superior court to the Governor's Crime Commission.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 238 (Committee Substitute), an act to create the Private Protective Services Recovery Fund. (Ch. 673)

S. B. 251 (Committee Substitute), an act to permit county commissioners to adopt substantially equivalent policies for portions of the State Personnel Act for county employees subject to Chapter 126. (Ch. 674)

S. B. 479 (House Committee Substitute), an act to clarify a provision in the group health insurance continuation and conversion privileges law. (Ch. 668)

S. B. 603, an act to establish a single legal age for initial entry into the public school system in North Carolina. (Ch. 656)

S. B. 607, an act to ensure equal treatment of unemployed individuals who are members of National Guard units and unemployed individuals who are members of United States Armed Forces Reserve components. (Ch. 675)

S. J. R. 655, a joint resolution to change the date of nomination and election of the University of North Carolina Board of Governors. (Res. 39)

H. B. 58 (Senate Committee Substitute), an act to amend the Group Health Insurance Continuation and Conversion Privileges Law with regard to conversion policy rate filings. (Ch. 669)

H. B. 343 (Committee Substitute, an act to revise portions of Chapter 162 relating to sheriffs. (Ch. 670)

H. B. 395, an act to incorporate the Town of Dobbins Heights in Richmond County. (Ch. 658)

H. B. 503 (Committee Substitute), an act setting the date for valuation of property divided under equitable distribution. (Ch. 671)

H. B. 620, an act to revise and consolidate the Charter of the City of Southport and to repeal prior local acts. (Ch. 659)

H. B. 800 (Senate Committee Substitute), an act to amend Chapter 65 relating to funeral and burial trust funds. (Ch. 657)

H. B. 924, an act to amend G. S. 58-79(a)(12) regarding life insurance company investments in computer systems. (Ch. 661)

H. B. 926 (Committee Substitute), an act to amend G. S. 58-40(a) relating to the licensing of life insurance agents. (Ch. 662)

H. B. 937 (Committee Substitute), an act to establish a uniform eviction policy. (Ch. 672)

H. B. 955, an act to allow taxpayers to elect to apply any income tax refund owed them to their estimated income tax liability for the following year. (Ch. 633)

H. B. 1009, an act to amend G. S. 58-79(a) pertaining to life insurance company investments in futures contracts. (Ch. 664)

H. B. 1016, an act to amend the subpoena law relating to medical records. (Ch. 665)

H. B. 1160 (Committee Substitute), an act to make the employees of the Agency for Public Telecommunications subject to the State Personnel Act. (Ch. 666)

H. B. 1249, an act to include two satellite areas within the corporate limits of the Town of Bakersville. (Ch. 660)

H. B. 1273 (Committee Substitute), an act to abolish the Earth Resources Council. (Ch. 667)

On motion of Senator Lawing, seconded by Senator Soles, the Senate adjourns to meet Tuesday at 7:00 P.M.

ONE HUNDRED TWENTY-FOURTH DAY

SENATE CHAMBER,
Tuesday, July 5, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we are thankful for the weekend just past — for its opportunities for rest, refreshment and worship, for its reminder of the great heritage of freedom that is ours as a nation, for the chance to reaquaint ourselves with family and friends. Now bless us as we begin this new week of work. By Your Spirit, make us people who live to praise You in what we say and what we do and what we are. Give us courage to fight when necessary, humility to admit when we are in the wrong, graciousness to forgive those who cause us grief, wisdom to know Your will, laughter to help us through the trying times, and the assurance of Your presence that makes everything we do worthwhile. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Wright and Staton for tonight.

A leave of absence granted previously to Senator Allred is noted.

The President declares the voting equipment inoperative.

The President recognizes the following pages serving in the Senate this week: Kathryn Elizabeth Angell, Fayetteville; Heidi Bledsoe, Greensboro; Matthew Bogues, Camden; Barry Chandler, Greensboro; Kelli Chase, Winston-Salem; Callahan Scott Conway, Raleigh; Veronica Davis, Greensboro; Danielle Horton, Elizabeth City; David Keller, Lenoir; Adele McLean, Hickory; Robert Millican, Greensboro; Maria Parker, Elon College; Valerie Denise Phifer, Charlotte; Timothy Dwayne Ray, Asheboro; Bernadette Rodgers, Raleigh; Cynthia Denice Rorie, Winston-Salem; Timothy Squires, Merritt; Katie Swain, Asheville; Holly Rumph, Raleigh; Gretchen Lenora Warner, Greensboro; Frederick Scott White, Jacksonville; and Melissa Lynn Wooten, Mebane.

RE-REFERRAL

H. B. 782, a bill requiring property owners of adjoining property in certain counties to maintain fences on property lines.

On motion of Senator White, the bill is taken from the **Agriculture Committee** and re-referred to the **Local Government and Regional Affairs Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

Senator Allsbrook for the **Judiciary I Committee:**

S. B. 503, a bill to amend the time of execution of persons sentenced to death, unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, July 7.

H. B. 1258, a bill to revise and simplify G. S. 8-56 regarding the testimony of spouses in civil actions, with a favorable report, as amended.

By Senator Soles for the **Judiciary II Committee:**

S. B. 622, a bill regarding security interests in farm products, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, July 7.

By Senator Martin for the **Select Committee on H. B. 1003:**

H. B. 1003 (Committee Substitute), a bill to provide that if property owned by a local board of education is no longer suitable or necessary for public school purposes, the board of county commissioners has the first opportunity to purchase, with a favorable report, as amended.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 767
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 5, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for H. C. S. for H. B. No. 767, A BILL TO BE ENTITLED AN ACT TO AMEND G. S. 90-108 TO PROHIBIT EMBEZZLEMENT OF CONTROLLED SUBSTANCES BY EMPLOYEES OF PRACTITIONERS AND REGISTRANTS, AND TO PROHIBIT "DOCTOR SHOPPING" AS A MEANS OF FRAUDULENTLY OBTAINING CONTROLLED SUBSTANCES FROM PRACTITIONERS, and requests conferees. The Speaker has appointed Representatives B. Woodard, Lancaster, Blue, and Pulley, on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Soles moves that the President appoint conferees, which motion prevails. The President appoints Senators Soles, Edwards of Guilford, Winner, and Hancock as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 113, a bill to provide that certain private roads serving as the only land access between two communities must be open, for concurrence in the House Committee Substititute joint resolution which changes the bill to a joint resolution and the title to read, **S. J. R. 113** (House Committee Substitute), a joint resolution urging public access for Corolla and the Currituck Outer Banks.

The House Committee Substitute joint resolution is placed on the Calendar for Wednesday, July 6.

S. B. 473, a bill to make shopping cart theft unlawful, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, July 6.

S. B. 504 (House Committee Substitute), a bill to clarify the venue for the trial of felony offenses committed within the corporate limits of a municipality which lies within more than one county, for concurrence in the House Committee Substitute bill.

Referred to **Special Ways and Means Committee.**

H. B. 130 (Committee Substitute), a bill authorizing a refund of the excise tax levied on sacramental wine.

Referred to **Special Ways and Means Committee.**

H. B. 785 (Committee Substitute), a bill to be known as the North Carolina Time Share Act as recommended by the General Statutes Commission.
Referred to **Special Ways and Means Committee.**

H. B. 1266, a bill to exempt certain trailer converters from the motor vehicle registration requirements.
Referred to **Special Ways and Means Committee.**

H. B. 1272 (Committee Substitute), a bill to require notification of clerks of court and district attorneys by the Parole Commission in all cases where the Commission begins a parole investigation in the case of a prisoner sentenced to eighteen months or longer.
Referred to **Special Ways and Means Committee.**

H. B. 1285, a bill to place in the Administrative Office of the Courts the authority to adopt regulations governing the indigent defense program.
Referred to **Special Ways and Means Committee.**

H. B. 1295 (Committee Substitute), a bill to provide for a sunset on boards or commissions created by executive order of the Governor.
Referred to **Special Ways and Means Committee.**

H. B. 1306, a bill to permit payment of dividends for employer groups.
Referred to **Special Ways and Means Committee.**

H. J. R. 1321, a joint resolution authorizing the Legislative Research Commission to study boards, commissions, and councils in the executive branch.
Referred to **Special Ways and Means Committee.**

H. B. 1326 (Committee Substitute), a bill to allow a limited driving privilege upon conviction of speeding violations.
Referred to **Special Ways and Means Committee.**

H. J. R. 1334, a joint resolution authorizing the Legislative Research Commission to study the feasibility of a food distribution facility on the Dix Farm property in Raleigh.
Referred to **Special Ways and Means Committee.**

H. B. 1342, a bill to limit the use of center-fire rifles in Harnett County.
Referred to **Special Ways and Means Committee.**

H. B. 1347, a bill to clarify requirements for barbers licensed in other states seeking licensure in North Carolina.
Referred to **Special Ways and Means Committee.**

H. J. R. 1360, a joint resolution honoring the life and memory of John Coltrane.
Referred to **Special Ways and Means Committee.**

H. B. 1367, a bill to correct a technical conflict between Chapter 567 and Chapter 561 of the Session Laws of 1983.
Referred to **Special Ways and Means Committee.**

H. B. 1368, a bill to allow five acre horticultural tracts to qualify for use valuation.
Referred to **Special Ways and Means Committee.**

H. B. 1369, a bill to enlarge the Mooresville City School District.
Referred to **Special Ways and Means Committee.**

H. B. 1371, a bill to allow certain housing authorities to engage in moderate income housing.

Referred to **Special Ways and Means Committee.**

H. B. 1387, a bill to prevent drift hunting on Swift Creek in Edgecombe County.

Referred to **Special Ways and Means Committee.**

H. B. 1388, a bill to permit the County of Person to engage in certain community development activities.

Referred to **Special Ways and Means Committee.**

H. B. 1401, a bill providing that the Henderson County Jail shall be operated as provided by general law.

Referred to **Special Ways and Means Committee.**

H. B. 1402, a bill to allow the City of Wilson to sell industrial property.

Referred to **Special Ways and Means Committee.**

H. J. R. 1404, a joint resolution authorizing the Legislative Research Commission to study interstate water resources issues involving the States of North Carolina and Virginia.

Referred to **Special Ways and Means Committee.**

RECONSIDERATION

H. B. 56 (Committee Substitute), a bill to amend the safe driver insurance plan provisions by increasing the property damage threshold for chargeable accidents and eliminating surcharges for certain speeding traffic violations.

Senator Barnes of Forsyth moves that the vote by which the Committee Substitute bill, as amended, passed its third reading be reconsidered, which motion prevails.

Senator Barnes of Forsyth moves that the vote by which Amendment No. 3 was adopted be reconsidered, which motion prevails.

On motion of Senator Barnes of Forsyth, the Committee Substitute bill, as amended, is placed on the Calendar for tomorrow, July 6, upon third reading, with pending Amendment No. 3.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. J. R. 435 (Committee Substitute), a joint resolution authorizing the legislative Research Commission to study the issue of providing an income tax credit for certain adoptive devices and equipment used by handicapped individuals.

The Committee Substitute joint resolution passes its second reading.

Without objection, the Chair orders the Committee Substitute joint resolution re-referred to the **Appropriations Committee.**

S. B. 514 (Committee Substitute), a bill to amend G. S. 14-322 to permit garnishment of up to forty percent of wages for willful failure to provide child support.

Upon the point of inquiry by Senator Jenkins, the Chair removes the Committee Substitute bill from today's Calendar and, without objection, re-refers the bill to the **Finance Committee.**

S. B. 630 (Committee Substitute), a bill to create the Public Education Policy Council.

Without objection, the Chair orders the Committee Substitute bill re-referred to the **Appropriations Committee.**

S. B. 647, a bill to abolish the sale of tax liens to private purchasers.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 28, a bill to provide an unlimited gift tax exclusion for certain educational and medical payments.

The bill passes its second and third readings and is ordered enrolled.

H. B. 110 (Senate Committee Substitute No. 2), a bill to authorize the Legislative Committee on Occupational and Professional Licensure to assess proposals for the establishment or revision of licensing laws and programs according to criteria and procedures specified herein, upon third reading.

Without objection, the Chair orders the Senate Committee Substitute bill No. 2 re-referred to the **Appropriations Committee.**

H. B. 567 (Senate Committee Substitute), a bill to amend the Statutes 14-107 for worthless checks.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 644, a bill to allow Gaston County to regulate vehicle towing businesses within the unincorporated areas of Gaston County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 654 (Committee Substitute), a bill to establish a procedure for revoking consent to adoption.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 709 (Senate Committee Substitute), a bill to establish the Alarm Systems Licensing Act, upon second reading.

On motion of Senator Allsbrook, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

H. B. 1006 (Committee Substitute), a bill to require designated agents to be bonded or provide other forms of indemnification for aggrieved persons.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1076 (Committee Substitute), a bill to increase minimum requirement for financial responsibility proof or security deposit requirements to five hundred dollars.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1156, a bill to classify for ad valorem tax purposes certain real property owned by nonprofit corporations organized for historic preservation purposes.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1239 (Committee Substitute), a bill to provide for disposal of personal and other property in condemned buildings.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1284, a bill authorizing registers of deeds to maintain computer indexes.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 89 (House Committee Substitute), an act to amend Chapter 50 of the General Statutes to establish procedures to insure payment of child support. (Ch. 677)

S. B. 188 (House Committee Substitute), an act to regulate the height of tall buildings or structures on mountain ridges. (Ch. 676)

S. B. 323 (Committee Substitute), an act regarding the method of execution in this State. (Ch. 678)

S. J. R. 409, a joint resolution honoring the brave life of Anthony Clyde Corn. (Res. 41)

S. B. 602, an act to amend Chapter 147 of the General Statutes to allow for the payroll deduction by a Department of Transportation employee required by Federal and State law to wear day-glo orange shirts or vests of the cost of uniform rental and insurance premiums. (Ch. 680)

S. B. 636, an act to repeal certain obsolete Department of Transportation Statutes. (Ch. 684)

H. B. 436 (Committee Substitute No. 2), an act to revise G. S. 1A-1, Rule 4(j1), relating to service of process by newspaper publication in order to incorporate court mandated requirements as recommended by the General Statutes Commission. (Ch. 679)

H. B. 544 (Committee Substitute No. 2), an act to require a law enforcement officer who arrests or issues a citation to an unemancipated minor to inform the minor's parents of the arrest or citation. (Ch. 681)

H. B. 833, an act to establish an intensive probation program in the Division of Adult Probation and Parole. (Ch. 682)

H. B. 849 (Committee Substitute), an act to permit Edgecombe County to sell impounded dogs and cats to registered institutions. (Ch. 683)

H. J. R. 1289, a joint resolution honoring the life and work of Marion Allen Wright. (Res. 40)

On motion of Senator Lawing, seconded by Senator Tison, the Senate adjourns to meet tomorrow at 1:30 P.M.

July 5, 1983

ONE HUNDRED TWENTY-FIFTH DAY

SENATE CHAMBER,
Wednesday, July 6, 1983

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Father God, when Your children wandered in the desert of Sinai, You fed them with manna and quail. When they were thirsty, You brought forth water from the earth to refresh them. We confess, Lord, that sometimes we find ourselves in a desert not of sand and rocks, but a wilderness of the spirit. We cut ourselves off from Your love and find that we begin to hunger for Your righteousness and to thirst for Your truth. Feed us, O God, with Your bread from heaven that nourishes our souls. Slake our thirst with the outpouring of Your Spirit. Fortify us for our pilgrimage even as You did Your people so long ago, that we may serve You in the land You have given us and bring blessings to Your Name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Redman for the last half of today's Session to attend a school district meeting.

A leave of absence granted previously to Senator Allred is noted.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1135
S. J. R. 655

HOUSE OF REPRESENTATIVES
July 6, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to House Joint Resolution 1135, A JOINT RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, and Senate Joint Resolution 655, A JOINT RESOLUTION TO CHANGE THE DATE OF NOMINATION AND ELECTION OF THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS, the House of Representatives stands ready to receive the Senate in Joint Session at 2:00 p.m., July 6, 1983.

Respectfully,
S/ GRACE A. COLLINS
Principal Clerk

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House, pursuant to **H. J. R. 1135,** a joint resolution to establish the procedure for nominating and

electing members of the Board of Governors of the University of North Carolina, as amended by **S. J. R. 655,** a joint resolution to change the date of nomination and election of the University of North Carolina Board of Governors.

On motion of Senator Lawing, in accordance with **H. J. R. 1135** and **S. J. R. 655,** the Senate recesses to repair to the Hall of the House of Representatives, there to sit in Joint Session, and on his further motion, upon dissolution of the Joint Session to return to the Senate Chamber for the further consideration of business.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing, and the Joint Session is called to order by Lieutenant Governor James C. Green.

The Clerk of the Senate calls the roll of the Senate and the following members answer the call: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—48.

The Clerk of the House of Representatives calls the roll of the House of Representatives and the following members answer the call: Speaker Ramsey, Representatives Adams, Allran, Anderson, Auman, Ballance, Barbee, Barker, Barnes, Beall, Beam, Beard, Berry, Blue, Bowen, Brannan, Brawley, Brennan, Brown, Brubaker, Bumgardner, Burnley, Chapin, Childress, Church, Coble, Cochrane, Colton, J. W. Crawford, N. J. Crawford, Creecy, DeVane, Diamont, Easterling, Economos, Edwards, Enloe, Bob Etheridge, Bruce Ethridge, Evans, Fenner, Fletcher, Foster, Fussell, Gentry, Gillam, Gist, Greenwood, Grimsley, Hackney, Hasty, Hauser, Hayden, Helms, Hightower, Holmes, Holt, Hudson, C. Hughes, J. Hughes, Hunt, Hunter, Huskins, Jarrell, Jones, Kennedy, Lacey, Lambeth, Lancaster, Lee, Lilley, Locks, Lutz, McAlister, McDowell, Matthews, Mauney, Mavretic, Miller, Murphy, Musselwhite, Nash, Nesbitt, Owens, Payne, Poovey, Quinn, Rabon, Redding, Rhodes, Roberts, Robinson, Seymour, Slaughter, Sparrow, Spaulding, Spoon, Stamey, Tennille, Tyndall, Tyson, Varner, Watkins, Womble, B. Woodard, C. Woodard, and Wright—107.

A quorum of each Body being declared present, the Joint Session proceeds with the business for which it convenes.

Lieutenant Governor Green recognizes Senator Lawing, Chairman of the **Rules and Operation of the Senate Committee** who submits the following report:

University of North Carolina Board of Governors
Joint Session
July 6, 1983

The Committee on Rules and Operation of the Senate recommends the following persons for the nomination by the Joint Session of the Senate and the House of Representatives for election to the Board of Governors to the University of North Carolina. Each of these persons is, in the opinion of the Committee, legally qualified for the position to which he or she is recommended and has stated that he or she would serve if elected.

July 6, 1983

MINORITY PARTY CATEGORY EIGHT YEAR SEAT
(Senate Will Elect One)
James Earl Danieley, Elon College
Barbara Stockton Perry, Kinston
Ed Tenney, Chapel Hill

AT-LARGE CATEGORY EIGHT YEAR SEAT
(Senate Will Elect Three)
Irwin Belk, Charlotte
Wayne A. Corpening, Winston-Salem
Daniel C. Gunter, Jr., Gastonia
George Austin Hux, Enfield
Irvin L. Joyner, Raleigh
Samuel Hawley Poole, Southern Pines
John F. Shuford, Asheville

Lieutenant Governor Green recognizes Representative Auman, Chairman of the House University Board of Governors Nominating Committee who submits the following report:

The University Board of Governors Nominating Committee of the House recommends the following persons for nomination by the House of Representatives for election to the Board of Governors of the University of North Carolina. Each of these persons is, in the opinion of the Committee, legally qualified for the position and has stated that he or she would serve if elected.

RECOMMENDED NOMINEES	NOMINEES
At-Large Category	**At-Large Category**
John R. Jordan, Jr.	Robert M. Pitts
J. Aaron Prevost	William H. McMillan
Women's Category	**Women's Category**
Adelaide F. Holderness	Joan Fox
Minority Race Category	**Minority Race Category**
Louis T. Randolph	Charles T. Byrd
	Felton J. Capel

Lieutenant Governor Green declares the floor open for further nominations. Receiving no additional nominations from the floor and upon motion of Senator Lawing, seconded by Representative Auman, the nominations are closed.

On motion of Senator Lawing, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate returns to its Chamber.

The Senate resumes consideration of regular business.

RE-REFERRALS

S. B. 134, a bill regarding taxation of wine made from North Carolina grapes.
Without objection, the Chair removes the bill, having previously been reported incorrectly from committee with an unfavorable report, from the table and recommits it to the **Finance Committee.**

S. B. 622 (Committee Substitute), a bill regarding security interests in farm products.

Without objection, on motion of Senator Jenkins the Committee Substitute bill is taken from the Calendar for Thursday, July 7, and re-referred to the **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1260

HOUSE OF REPRESENTATIVES
July 6, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with information that the House fails to concur in the Senate amendment to H. B. No. 1260, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CONFORMING CHANGES IN THE RAPE INDICTMENT STATUTE AS A RESULT OF CHAPTER 175 OF THE SESSION LAWS OF 1983, and requests conferees. The Speaker has appointed Representatives Lancaster, Blue, and Holt on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Allsbrook moves that the President appoint conferees, which motion prevails. The President appoints Senators Allsbrook, Swain, and Jenkins as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

H. B. 278 (Senate Committee Substitute)

Senator Rauch, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 278** (Senate Committee Substitute), a bill to enact the Tax Adjustment Act of 1983, submits the following report. The Chair rules that the reading of the report constitutes the first reading of the roll-call measure.

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute (Fourth Edition Engrossed) for the House Committee Substitute (Third Edition Engrossed) for House Bill 278, wish to report as follows: The House recedes from its disagreement to the Senate Committee Substitute (Fourth Edition Engrossed) and concurs in the same with an amendment as follows: Strike out the entire Senate Committee Substitute and insert in lieu thereof the attached proposed Conference Committee Substitute PCCS-4162. The Senate concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

July 6, 1983

This the 6th day of July 1983

MARSHALL A. RAUCH
CONRAD R. DUNCAN, JR.
HAROLD W. HARDISON
J. J. HARRINGTON
OLLIE HARRIS
W. CRAIG LAWING
KENNETH C. ROYALL, JR.
Conferees of the part
of the Senate

DWIGHT W. QUINN
J. ALLAN ADAMS
ALLEN C. BARBEE
J. L. MAVRETIC
GEORGE W. MILLER, JR.
WILLIAM T. WATKINS
DENNIS A. WICKER
Conferees on the part
of the House of Representatives

Senator Rauch explains the Conference Report and on his motion the Report is placed on the Calendar for tomorrow, for adoption, upon second reading.

The text attached to the Conference Report on **H. B. 278** is as follows:

A BILL TO BE ENTITLED AN ACT TO ENACT THE TAX ADJUSTMENT ACT OF 1983.

The General Assembly of North Carolina enacts:

Part I. Court Costs and Fees.

Section 1. Article 28 of General Statutes Chapter 7A is amended by adding a new section G. S. 7A-320 as follows:

"§ 7A-320. **Costs are exclusive. —** The costs set forth in this Article are complete and exclusive, and in lieu of any other costs and fees."

Sec. 2. G. S. 7A-304(a) (4) is amended by substituting the words and figures "twenty-three dollars ($23.00)" for the words and figures "nineteen dollars ($19.00)" and is further amended by substituting the words and figures "thirty dollars ($30.00)" for the words and figures "twenty-eight dollars ($28.00)".

Sec. 3. G. S. 7A-304(c) is amended by rewriting the first sentence as follows: "Witness fees, expenses for blood tests and comparisons incurred by G. S. 8-50.1(a), jail fees and cost of necessary trial transcripts shall be assessed as provided by law in addition to other costs set out in this section."

Sec. 4. G. S. 7A-305(a) (2) is amended by rewriting the first sentence as follows: "For support of the General Court of Justice, the sum of thirty-seven dollars ($37.00) in the superior court, and the sum of twenty-two dollars ($22.00) in the district court except that if the case is assigned to a magistrate the sum shall be ten dollars ($10.00)."

Sec. 5. G. S. 7A-305 is amended by adding a new subsection (b1) as follows:

"(b1) When a defendant files an answer in a action filed as a small claim which requires the entire case to be withdrawn from a magistrate and transferred to the district court, the difference between the General Court of Justice fee and facilities fee applicable to the district court and the General Court of Justice fee and facilities fee applicable to cases heard by a magistrate shall be assessed. The defendant is responsible for paying the fee."

Sec. 6. G. S. 7A-305(d) is amended by deleting the words "The uniform costs set forth in this section are complete and exclusive, and in lieu of any and all other costs, fees, and commissions, except that the" and inserting in their place the word "The".

Sec. 7. G. S. 7A-306(a) (2) is amended by deleting the words and figures "thirteen dollars ($13.00)" and inserting in their place the words and figures "twenty-two dollars ($22.00)", and by rewriting the second sentence as follows: "In addition, in proceedings involving land, except boundary disputes, if the fair market value of the land involved is over one hundred dollars ($100.00), there shall be an additional sum of thirty cents (30¢) per one hundred dollars ($100.00) of value, or major fraction thereof, not to exceed a maximum additional sum of two hundred dollars ($200.00)."

Sec. 8. G. S. 7A-306(b) is amended by substituting the words and figures "twenty-two dollars ($22.00)" for the words and figures "thirteen dollars ($13.00)".

Sec. 9. G. S. 7A-306(c) is amended by deleting the words "The uniform costs set forth in this section are complete and exclusive, and in lieu of any and all other costs, fees, and commissions, except that the" and inserting in their place the word "The".

Sec. 10. G. S. 7A-307(a) as it appears in the 1981 Replacement Volume 1B of the General Statutes is amended by adding on line 2 between the comma and the word "the" "and in collections of personal property by affidavit,".

Sec. 11. G. S. 7A-307(a) (2) is amended by rewriting the first sentence as follows:"For support of the General Court of Justice, the sum of twenty-two dollars ($22.00), plus an additional forty cents (40¢) per one hundred dollars ($100.00), or major fraction thereof, of the gross estate."

Sec. 12. G. S. 7A-307(a) (2) is amended by deleting the sixth sentence.

Sec. 13. G. S. 7A-307(a) (2) is amended by substituting the words and figures "five dollars ($5.00)" for the words and figures "one dollar ($1.00)".

Sec. 14. G. S. 7A-307(a) is amended by adding a new subdivision (3) as follows: "(3) For probate of a will without qualification of a personal representative, the clerk shall assess a facilities fee as provided in subdivision (1) of this subsection and shall assess for support of the General Court of Justice, the sum of twelve dollars ($12.00)."

Sec. 15. G. S. 7A-307(b) is amended by substituting the words and figures "twenty-two dollars ($22.00)" for the words and figures "eight dollars ($8.00)" and by substituting the words and figures "twenty-five dollars ($25.00)" for the words and figures "ten dollars ($10.00)".

Sec. 16. G. S. 7A-307(c) is amended by deleting the words "The uniform costs set forth in this section are complete and exclusive, and in lieu of any and all other costs, fees, and commissions, except that the" and inserting in their place the word "The".

Sec. 17. G. S. 7A-307 is amended by adding a new subsection (b1) as follows:

"(b1) The clerk shall assess the following miscellaneous fees:

(1)	Filing a will with no probate	
	— first page	$ 1.00
	— each additional page or fraction thereof	.25
(2)	Issuing letters testamentary, per letter over five letters issued	1.00
(3)	Inventory of safe deposits of a decedent, per box, per day	15.00
(4)	Taking a deposition	5.00"

July 6, 1983

Sec. 18. G. S. 7A-308 is rewritten as follows:

"§ 7A-308. **Miscellaneous fees and commissions.** — (a) The following miscellaneous fees and commissions shall be collected by the clerk of superior court and remitted to the State for the support of the General Court of Justice:

(1) Foreclosure under power of sale in deed of trust or mortgage Plus an additional sum of thirty cents (30¢) per one hundred dollars ($100.00), or major fraction thereof, of the final sale price shall be collected. In no case shall the additional sum exceed two hundred dollars ($200.00).	$25.00
(2) Proceeding supplemental to execution	20.00
(3) Confession of judgment	15.00
(4) Taking a deposition	5.00
(5) Execution	15.00
(6) Notice of resumption of maiden name	5.00
(7) Taking an acknowledgment or administering an oath, or both, with or without seal, each certificate (except that oaths of office shall be administered to public officials without charge)	1.00
(8) Bond, taking justification or approving	5.00
(9) Certificate, under seal	2.00
(10) Exemplification of records	5.00
(11) Recording or docketing (including indexing) any document, per page or fraction thereof	4.00
(12) Preparation of copies	
— first page	1.00
— each additional page or fraction thereof	.25
(13) Preparation of transcript of judgment	5.00
(14) Substitution of trustee in deed of trust	5.00
(15) Execution of passport application — the amount allowed by Federal Law	
(16) On all funds placed with the clerk by virtue or color of his office, to be administered, invested, or administered in part and invested in part, a commission of five percent (5%), with a minimum fee of fifteen dollars ($15.00) and a maximum fee of one thousand dollars ($1,000). For purposes of assessing a commission, receipts are cumulative for the life of an account	
(17) Criminal record search except if search is requested by an agency of the State or any of its political subdivisions or by an agency of the United States or by a petitioner in a proceeding under Article 2 of General Statutes Chapter 20	5.00

(18) Filing the affirmations, acknowledgements, agreements and resulting orders entered into under the provisions of G. S. 110-132 and G. S. 110-133. 4.00

(b) The fees and commissions set forth in this section are not chargeable when the service is performed as a part of the regular disposition of any action or special proceeding or the administration of an estate. When a transaction involves more than one of the services set forth in this section, only the greater service fee shall be charged."

Sec. 19. G. S. 7A-309 is rewritten as follows:

"§ 7A-309. **Magistrate's special fees.** — The following special fees shall be collected by the magistrate and remitted to the clerk of superior court for the use of the State in support of the General Court of Justice:

(1) Performing marriage ceremony $10.00

(2) Hearing petition for year's allowance to surviving spouse or child, issuing notices to commissioners, allotting the same, and making return 4.00

(3) Taking a deposition 5.00

(4) Proof of execution or acknowledgment of any instrument 1.00

(5) Performing any other statutory function not incident to a civil or criminal action 1.00."

Sec. 20. G. S. 7A-314 is amended by adding a new subsection (f) to read as follows:

"(f) In a criminal case when a person who does not speak or understand the English language is an indigent defendant, a witness for an indigent defendant, or a witness for the State and the court appoints a language interpreter to assist that defendant or witness in the case, the reasonable fee for the interpreter's services, as set by the court, are payable from funds appropriated to the Administrative Office of the Courts."

Sec. 21. G. S. 28A-25-1(b) is amended by deleting the statutory reference "G. S. 7A-308(a) (11)" and by inserting in its place "G. S. 7A-307".

Part II. Secretary of State Fees and Taxes.

Sec. 22. G. S. 10-1 is amended by deleting the phrase "ten dollars ($10.00)" and substituting the phrase "fifteen dollars ($15.00)".

Sec. 23. G. S. 25-9-403(5) is amended by rewriting the first sentence to read:

"The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement is five dollars ($5.00) for an approved statutory form statement as prescribed in G. S. 25-9-402 when printed on a standard-size form approved by the Secretary of State, and for all other statements, the fee is ten dollars ($10.00)."

Sec. 24. G. S. 25-9-405(1) is amended by rewriting the last sentence to read:

"The uniform fee for filing, indexing, and furnishing filing data for a financing statement so indicating an assignment is five dollars ($5.00) when submitted on a standard-size form

approved by the Secretary of State, and for all other statements, the fee is ten dollars ($10.00)."

Sec. 25. G. S. 25-9-405(2) is amended by rewriting the fifth sentence to read:

"The uniform fee for filing, indexing, and furnishing filing data about such a separate statement of assignment is five dollars ($5.00) when submitted on a standard-size form approved by the Secretary of State, and for all other statements, the fee is ten dollars ($10.00)."

Sec. 26. G. S. 25-9-406 is amended by rewriting the fifth sentence to read:

"The uniform fee for filing and noting such a statement of release is five dollars ($5.00) when submitted on a standard-size form approved by the Secretary of State, and for all other statements, the fee is ten dollars ($10.00)."

Sec. 27. G. S. 25-9-407(2) is amended by deleting the phrase "three dollars ($3.00)" and substituting the phrase "five dollars ($5.00)".

Sec. 28. G. S. 25-9-407(2) is further amended by adding a new sentence between the second and third sentences to read:

"Where the Uniform Commercial Code index has been automated, the filing officer shall issue a computer printout of the index entries for a particular debtor for a fee of five dollars ($5.00)."

Sec. 29. G. S. 44-68.4(a) (1) and (2) are amended by deleting the phrase "two dollars ($2.00)" in each subdivision and substituting the phrase "five dollars ($5.00)".

Sec. 30. G. S. 44-68.4(a) (3) is amended by deleting the phrase "one dollar ($1.00)" and substituting the phrase "five dollars ($5.00)".

Sec. 31. G. S. 44-68.4(b) is rewritten to read:

"The fee for furnishing the certificate provided for in G. S. 44-68.3(d) in the office of the Secretary of State is five dollars ($5.00). Where the federal tax lien index has been automated, the filing officer shall issue a computer printout of the index entries for a particular debtor for a fee of five dollars ($5.00). The fee for furnishing copies provided for in G. S. 44-68.3(d) is one dollar ($1.00) per page."

Sec. 32. G. S. 55-155(a) (1), (2), (3), (4), (5), (9), (10), (11), (12), (13), (14), (16), (17), (21), and (29) are each amended by deleting the phrase "$5.00" and substituting the phrase $10.00".

Sec. 33. G. S. 55-155(a) (6) and (18) are each amended by deleting the phrase "$3.00" and substituting the phrase "$5.00".

Sec. 34. G. S. 55-155(a) (25) and (26) are each amended by deleting the phrase "$2.00" and substituting the phrase "$5.00".

Sec. 35. G. S. 55-155(a) (7) and (8) are each amended by deleting the phrase "$1.00" and substituting the phrase "$5.00".

Sec. 36. G. S. 55-156(a) (1), (2), (5), and (6) are each amended as follows:

(1) in each place where the phrase "$.40" appears, that phrase is deleted and the phrase "$.80" is substituted;

(2) in each place where the phrase "$40.00" appears, that phrase is deleted and the phrase "$80.00" is substituted; and

(3) in each place where the phrase "$500.00" appears, that phrase is deleted and the phrase "$1,000" is substituted.

Sec. 37. G. S. 55-155(a) (19) is repealed.

Sec. 38. G. S. 55-156(a) (3) and (4) are rewritten to read:

"(3) Articles of amendment which do not include an authorization to increase capital stock $15.00

(4) Articles of dissolution 20.00".

Sec. 39. G. S. 55A-77(a) (1), (2), (3), (4), (5), (6), (7), (11), (13), (16), and (17) are each amended by deleting the phrase "$5.00" and substituting the phrase "$10.00".

Sec. 40. G. S. 55A-77(a) (8) and (10) are each amended by deleting the phrase "$3.00" and substituting the phrase "$5.00".

Sec. 41. G. S. 55A-77(a) (9) is amended by deleting the phrase "$1.00" and substituting "$5.00".

Sec. 42. G. S. 55A-77(a) (12) is repealed.

Sec. 43. G. S. 55A-78(a) is amended by deleting the phrase "fifteen dollars ($15.00)" and substituting the phrase "thirty dollars ($30.00)".

Sec. 44. G. S. 55A-78(b) is amended by deleting the phrase "forty dollars ($40.00)" and substituting the phrase "sixty-five dollars ($65.00)".

Sec. 45. G. S. 78A-28(b) is rewritten to read:

"(b) Every person filing a registration statement shall pay a filing fee of one hundred dollars ($100.00), plus a registration fee of one-tenth of one percent (1/10 of 1%) of the maximum aggregate offering price at which the registered securities are to be offered in this State, but the registration fee may not be less than twenty-five dollars ($25.00) nor more than one thousand five hundred dollars ($1,500). When a registration statement is withdrawn before the effective date or a pre-effective stop order is entered under G. S. 78A-29, the Administrator shall retain the filing fee. A registration statement relating to securities issued or to be issued by a mutual fund, open-end management company, or unit investment trust or relating to other redeemable securities, to be offered for a period in excess of one year, must be renewed annually by payment of a renewal fee of one hundred dollars ($100.00) and by filing any documents or reports that the Administrator may by rule or order require."

Sec. 46. G. S. 78A-28(h) is amended by deleting from the first sentence the word "Every" and substituting the following:

"Except during the time a stop order is in effect under G. S. 78A-29, a registration statement relating to securities issued or to be issued by a mutual fund, open-end management company, or unit investment trust or relating to other redeemable securities, to be offered for a period in excess of one year, expires on December 31 of each year or some other date not more than one year from its effective date as the Administrator may by rule or order provide. Every other".

July 6, 1983

Sec. 47. G. S. 78A-28(j) is amended by rewriting the last sentence to read: "Every person filing such an amendment shall pay a registration fee calculated in the manner specified in subsection (b) and a filing fee of fifty dollars ($50.00) with respect to the additional securities proposed to be offered."

Sec. 48. The first sentence of G. S. 78A-37(b) is rewritten to read: "Every applicant for initial or renewal registration shall pay a filing fee of one hundred fifty dollars ($150.00) in the case of a dealer and twenty-five dollars ($25.00) in the case of a salesman."

Sec. 49. The last sentence of G. S. 80-3 is amended by deleting the phrase "ten dollars ($10.00)" and substituting the phrase "twenty-five dollars ($25.00)".

Sec. 50. G. S. 120-47.3 is amended by deleting in each place it appears the phrase "fifty dollars ($50.00)" and substituting the phrase "seventy-five dollars ($75.00)".

Sec. 51. G. S. 120-47.2(a) is amended by adding the following new language at the end:

"If a corporation or partnership is employed or retained as a legislative counsel, and more than one partner, employee or officer of the corporation or partnership, shall act as a legislative agent on behalf of the client, then the additional individuals shall be separately listed on the registration under subsection (b), and a fee in the same amount as imposed by G. S. 120-47.3 shall be due for each such individual in excess of one."

Part III. Inspection Fee Increases.

Sec. 52. G. S. 95-105 is rewritten to read:

"§ 95-105. **Elevator, escalator, dumbwaiter, and special equipment inspection fees. —** The Department of Labor shall assess and collect the following inspection service fees for the installation and alteration of elevators, escalators, dumbwaiters that are not installed or altered in restaurants, and special equipment based on the cost of installation or alteration:

Cost of Installation or Alteration			Unit Fee
$0	—	$ 10,000	$ 80
10,001	—	30,000	120
30,001	—	50,000	170
50,001	—	80,000	215
80,001	—	100,000	235
Over 100,000			285.

An additional fee of seventy-five dollars ($75.00) shall be assessed for each follow-up inspection of a new installation required subsequent to the original inspection.

The Department of Labor shall assess and collect a fee of ten dollars ($10.00) for the periodic inspection of special equipment and shall assess and collect the following fees for the periodic inspection of elevators, escalators, and dumbwaiters:

Number of Building Floors:	
1–5 Floors	$13
6–10 Floors	20
11-15 Floors	35
16– Floors and over	45."

Sec. 53. G. S. 95-106 is rewritten to read;

"§ 95-106. **Amusement, aerial tramway, and inclined railroad inspection fees.** — The Department of Labor shall assess and collect the following inspection service fees for annual inspections for each location within the State of amusement devices, aerial passenger tramways, and inclined railroads:

Type Inspection	Unit Fee
Amusement Devices	$ 12
Gondolas, Chairlifts, and Inclined Railroads	137
J- or T-Bars	62
Rope Tows	31."

Part IV. Road Tax Registration Changes; Private Passenger Vehicle Registration Fee Increase.

Sec. 54. Part 7 of Article 3 of Chapter 20 of the General Statutes is amended by adding a new section immediately following G. S. 20-88 to read:

"§ 20-88A. **Registration of certain vehicles for road tax.** — Owners of passenger vehicles with seating capacity for more than twenty passengers, road tractors, tractor trucks, or trucks with more than two axles shall, in addition to all other registration fees imposed by this Article, pay a registration fee of ten dollars ($10.00) to register for purposes of the road tax imposed by Article 36B of Chapter 105. This fee shall be paid to the Commissioner at the same time as the fees imposed by G. S. 20-87 or G. S. 20-88 are paid. All vehicles licensed for more than thirty-two thousand pounds are presumed to have more than two axles. When registering a vehicle under this section, the owner of a vehicle that is leased to another shall report the name of the lessee to the Commissioner.

The Commissioner shall report all vehicles registered under this section to the Secretary of Revenue. No registration plate or registration renewal sticker shall be isssued for a motor vehicle required to be registered under this section if the owner or lessee of that vehicle is not in compliance with Articles 36A or 36B of Chapter 105. The registration plate or registration renewal sticker issued for a motor vehicle under G. S. 20-87 or 20-88 signifies registration in accordance with this section. The Commissioner may revoke the registration plate for a motor vehicle registered under this section whenever the owner or lessee of the vehicle fails to comply with Articles 36A or 36B of Chapter 105.

This section does not apply to vehicles owned by the United States, the State or its political subdivisions, special mobile equipment as defined in G. S. 20-4.01(44), and vehicles owned by nonprofit religious, educational, charitable, or benevolent organizations."

Sec. 55. G. S. 105-449.37 is rewritten to read:

"§ 105-449.37. **Definitions; tax liability.** — (a) As used in this Article unless the context clearly requires otherwise:

(1) 'motor carrier' means every person, firm, or corporation who operates or causes to be operated on any highway in this State a passenger vehicle with seating capacity for more than 20 passengers, a road tractor, a tractor truck, or a truck with more than two axles. The term does not include the United States, the State or its

political subdivisions, operators of special mobile equipment as defined in G. S. 20-4.01(44), or nonprofit religious, educational, charitable or benevolent organizations;

(2) 'operations' means operations of all vehicles described in subdivision (1), whether loaded or empty and whether or not operated for compensation; and

(3) 'Secretary' means the Secretary of Revenue.

(b) A motor carrier who operates on one or more days of a quarter is liable for the tax imposed by this Article for that quarter and is entitled to the credits allowed for that quarter."

Sec. 56. G. S. 105-449.47 is rewritten to read:

"§ 105-449.47. **Registration of vehicles.** — A motor carrier may not operate or cause to be operated in this State any vehicle listed in the definition of motor carrier unless the motor carrier has registered the vehicle for purposes of the tax imposed by this Article with the Commissioner of Motor Vehicles or the Secretary, as appropriate. All vehicles required to be registered under this section that are registered in this State under G. S. 20-87 or G. S. 20-88 shall be registered with the Commissioner of Motor Vehicles pursuant to G. S. 20-88A for the purposes of the tax imposed by this Article. All other vehicles required to be registered under this section shall be registered with the Secretary.

Upon application and payment of a fee of ten dollars ($10.00), the Secretary shall issue a registration card and identification marker for a vehicle. The registration card shall be carried in the vehicle for which it was issued when the vehicle is in this State. The identification marker shall be clearly displayed at all times and shall be affixed to the vehicle for which it was issued in the place and manner designated by the Secretary. Every identification marker issued shall bear a number that corresponds to the number on the registration card issued for the same vehicle. Registration cards and identification markers required by this section shall be issued on a calendar year basis. The Secretary may renew registration cards and identification markers without issuing new cards and markers. All identification markers issued by the Secretary remain the property of the State."

Sec. 57. G. S. 105-449.48 is rewritten to read:

"§ 105-449.48 **Fees paid to Highway Fund.** — All fees collected under this Article shall be paid to the Highway Fund."

Sec. 58. The first sentence of G. S. 105-449.49 is amended by deleting the phrase "a registration card and identification marker" and inserting in lieu thereof the phrase "registering the vehicle in accordance with G. S. 105-449.47".

Sec. 59. The first sentence of G. S. 105-449.51 is rewritten to read:

"Any person who operates or causes to be operated on a highway in this State a motor vehicle that does not carry a registration card as required by this Article, does not properly display an identification marker as required by this Article, or is not registered in accordance with this Article is guilty of a misdemeanor and, upon conviction thereof, shall be fined no less than ten dollars ($10.00) nor more than two hundred dollars ($200.00)."

Sec. 60. The first sentence of the second paragraph of G. S. 105-449.52 is amended by deleting the phrase "a proper registration card and identification marker being applied for" and inserting in lieu thereof the phrase "registering or making an application for registration in accordance with this Article".

Sec. 61. G. S. 20-87(5) is amended by deleting the figure "$13.00" and inserting in lieu thereof the figure "$17.00", and by deleting the figure "16.00" and inserting in lieu thereof the figure "20.00".

Part V. Income Taxes.

Sec. 62. Article 1 of Chapter 105 is amended by adding a new section immediately after G. S. 105-2 to read:

"§ 105-2.1. **Internal Revenue Code definition. —** As used in this Article, the term 'Code' means the Internal Revenue Code as enacted as of April 1, 1983, and includes any provisions enacted as of that date which become effective after that date."

Sec. 63. G. S. 105-3(5) is amended as follows:

(1) by deleting the phrase "section 401(a) of the United States Internal Revenue Code" and inserting in lieu thereof the phrase "26 U.S.C. §401(a)";

(2) by deleting the phrase "section 403(a) or 403(b) of such Code" and inserting in lieu thereof the phrase "26 U.S.C. §403(a) or §403(b)";

(3) by deleting the phrase "section 401(c) (1) of the United States Internal Revenue Code" and inserting in lieu thereof the phrase "26 U.S.C. §401(c) (1)"; and

(4) by deleting the phrase "section 404 of such Code" and inserting in lieu thereof the phrase "26 U.S.C. §404".

Sec. 64. G. S. 105-3(6) is amended as follows:

(1) by deleting the phrase "section 219 or 220 of the Internal Revenue Code of 1954 as amended" and inserting in lieu thereof the phrase "26 U.S.C. §219 or §220";

(2) by deleting the phrase "section 402(a) (5), 403(a) (4), 408(d) (3), or 409(b) (3) (C) of such Code" and inserting in lieu thereof the phrase "26 U.S.C. §§402(a) (5), 403(a) (4), 408(d) (3), or 409(b) (3) (C)"; and

(3) by deleting the phrase "section 219 or 220 of such Code" and inserting in lieu thereof the phrase "26 U.S.C. §219 or §220".

Sec. 65. The last sentence of G. S. 105-9.1 is rewritten to read:

"If the personal representative makes this election , the provisions of the Code pertaining to an optional valuation date apply."

Sec. 66. G. S. 105-114 is amended by inserting a new paragraph between the first and second paragraphs of that section to read:

"As used in this Article, the term 'Code' means the Internal Revenue Code as enacted as of April 1, 1983, and includes any provisions enacted as of that date which become effective after that date."

Sec. 67. The third paragraph of G. S. 105-125 and the third paragraph of G. S. 105-212 are each amended by deleting the phrase "the provisions of United States Code Annotated Title 26, section 851," and inserting in lieu thereof the phrase "section 851 of the Code"; and are further amended by deleting the phrase "United States Code Annotated Title 26, section 856," and inserting in lieu thereof the phrase "section 856 of the Code".

Sec. 68. G. S. 105-130.2 is amended by inserting a new subdivision (1) to read as follows and by renumbering the current subdivisions accordingly:

"(1) 'Code' means the Internal Revenue Code as enacted as of April 1, 1983, and includes any provisions enacted as of that date which become effective after that date."

Sec. 69. The first paragraph of G. S. 105-130.3 is amended by deleting the phrase "Internal Revenue Code in effect on January 1, 1981," and inserting in lieu thereof the word "Code".

Sec. 70. G. S. 105-130.5(a) (8), 105-130.5(b) (6), and 105-130.5(b) (12) are each amended by deleting the phrase "for federal income tax purposes" and inserting in lieu thereof the phrase "under the Code".

Sec. 71. G. S. 105-130.5(b) (11) is rewritten to read:

"(11) The amount by which a deduction for an ordinary and necessary business expense was required to be reduced under the Code for federal tax purposes or the amount of such a deduction that was not allowed under the Code because the corporation claimed a federal tax credit against its federal income tax liability for the income year in lieu of a deduction."

Sec. 72. G. S. 105-130.5(b) (14) is amended by inserting between the words "reduced" and "for" the phrase "under the Code"; and is further amended by deleting the words "federal law" and inserting in lieu thereof the words "the Code".

Sec. 73. G. S. 105-130.5(d) is amended by deleting the phrase "for federal income tax purposes under the provisions of section 337 of the Federal Internal Revenue Code of 1954, including amendments, if any" and inserting in lieu thereof the phrase "under section 337 of the Code".

Sec. 74. G. S. 105-130.12 is amended by deleting the phrase "the provisions of United States Code Annotated Title 26, §851," and inserting in lieu thereof the phrase "section 851 of the Code"; and is further amended by deleting the phrase "the provisions of United States Code Annotated Title 26, §856," and inserting in lieu thereof the phrase "section 856 of the Code".

Sec. 75. G. S. 105-135(15) is rewritten to read:

"(15) The word 'Code' means the Internal Revenue Code as enacted as of April 1, 1983, and includes any provisions enacted as of that date which become effective after that date."

Sec. 76. G. S. 105-141(b) (21) is amended by deleting the phrase "Internal Revenue Code of 1954 as amended" and inserting in lieu thereof the phrase "1976 Tax Reform Act".

Sec. 77. The third paragraph of G. S. 105-147(16) is amended by deleting the phrase "for purposes of the Internal Revenue Code of 1954, as amended, or regulations promulgated pursuant thereto" and inserting in lieu thereof the phrase "under the Code".

Sec. 78. G. S. 105-147(20) is amended as follows:

(1) by inserting between the word "Service" and the semicolon following that word, the phrase ", to the extent allowed under the Code"; and

(2) by changing the last semicolon in that subdivision to a period and deleting the remainder of the subdivision.

Sec. 79. G. S. 105-163.1(11) is rewritten to read:

"(11) 'Code' means the Internal Revenue Code as enacted as of April 1, 1983, and includes any provisions enacted as of that date which become effective after that date."

Sec. 80. G. S. 105-212 is amended by adding a new paragraph at the end of that section to read:

"As used in this section, the term 'Code' means the Internal Revenue Code as enacted as of April 1, 1983, and includes any provisions enacted as of that date which become effective after that date."

Sec. 81. The third paragraph of G. S. 105-228.5 is amended by deleting the phrase "United States Internal Revenue Code as now or hereafter amended" and inserting in lieu thereof the phrase "Code as defined in G. S. 105-135(15)".

Sec. 82. The statutes listed below are amended by deleting the following phrases:

(1) "Internal Revenue Code";
(2) "United States Internal Revenue Code";
(3) "Federal Internal Revenue Code of 1954";
(4) "federal Internal Revenue Code";
(5) "1954 Internal Revenue Code";
(6) "Internal Revenue Code of 1954 as amended";
(7) "Internal Revenue Code of 1954, as amended";
(8) "Internal Revenue Code of 1954, as amended,";
(9) "Internal Revenue Code of 1954, or subsequent acts and amendments"; or
(10) "Internal Revenue Code of 1954, or subsequent acts and amendments,"

each time they appear in the listed statutes and inserting in lieu thereof the word "Code":

G. S. 105-3(6)
G. S. 105-7
G. S. 105-7.1
G. S. 105-130.2(3)
G. S. 105-130.5(a) (3)
G. S. 105-130.5(a) (5)
G. S. 105-130.5(a) (6)
G. S. 105-130.5(a) (7)
G. S. 105-130.5(b) (7)
G. S. 105-130.5(b) (8)
G. S. 105-130.5(b) (9)
G. S. 105-130.5(b) (13) d.2.
G. S. 105-130.5(b) (13) d.5.
G. S. 105-130.5(e)

G. S. 105-130.9(1)
G. S. 105-130.13
G. S. 105-130.15(b) (1)
G. S. 105-135(5)
G. S. 105-141(a) (20)
G. S. 105-141(b) (9) a.
G. S. 105-141(b) (10)
G. S. 105-141(b) (11)
G. S. 105-141(b) (17)
G. S. 105-141(b) (19)
G. S. 105-141(b) (22)
G. S. 105-141(b) (23)
G. S. 105-141(b) (26) d.
G. S. 105-141(b) (27)
G. S. 105-141.2
G. S. 105-142(b) (1)
G. S. 105-142(d)
G. S. 105-142(e)
G. S. 105-142(f) (6)
G. S. 105-144(b)
G. S. 105-144(c) (3)
G. S. 105-144.1(g)
G. S. 105-144.2(d) (2) b.
G. S. 105-144.2(i)
G. S. 105-145(e)
G. S. 105-147(1) c.
G. S. 105-147(1) e.
G. S. 105-147(7)
G. S. 105-147(8)
G. S. 105-147(12)
G. S. 105-147(13) c.
G. S. 105-147(20)
G. S. 105-161(d) (4) a.
G. S. 105-161(f) (1) c.
G. S. 105-163(c)
G. S. 105-163.1(6) e. 1.
G. S. 105-163.1(6) e. 2.
G. S. 105-212

Sec. 83. G. S. 105-130.5(a) is amended by adding a new subdivision to read:

"(11) The amount by which the percentage depletion allowance allowed by Sections 613 and 613A of the Code for mines, oil and gas wells, and other natural deposits exceeds the cost depletion allowance for these items under the Code, except as otherwise provided herein. This subdivision does not apply to depletion deductions for clay, gravel, phosphate rock, lime, shells, stone, sand, feldspar, gemstones, mica, talc, lithium compounds, tungsten, coal, peat, olivine, pyrophyllite, and other solid minerals or rare earths extracted from the soil or waters of this State. Corporations required to apportion income to North Carolina shall first add to federal taxable income the amount of all percentage depletion in excess of cost depletion that was subtracted from the corporation's gross

income in computing its federal income taxes and shall then subtract from the taxable income apportioned to North Carolina the amount by which the percentage depletion allowance allowed by Sections 613 and 613A of the Code for solid minerals or rare earths extracted from the soil or waters of this State exceeds the cost depletion allowance for these items."

Sec. 84. G. S. 105-147(12) is rewritten to read:

"(12) Except as provided in this subdivision, an allowance for depreciation and obsolescence of property and an allowance for depletion of mines, oil and gas wells, other natural deposits, and timber to the extent allowed under the Code. When the basis of property differs for State and federal purposes, this difference shall be taken into consideration in determining the depreciation, obsolescence, or depletion allowed under this subdivision.

A taxpayer may deduct as depletion only the amount allowed as a cost depletion allowance for mines, oil and gas wells, and other natural deposits under the Code instead of the amount allowed as a percentage depletion allowance for these items under the Code. This paragraph does not apply to depletion deductions for clay, gravel, phosphate rock, lime, shells, stone, sand, feldspar, gemstones, mica, talc, lithium compounds, tungsten, coal, peat, olivine, pyrophyllite, and other solid minerals or rare earths extracted from the soil or waters of this State."

Sec. 85. G. S. 105-141(b) (28) is repealed.

Sec. 86. Article 4B of Chapter 105 is rewritten to read:

"Article 4B.

"Filing of Declarations of Estimated Income Tax and Installment Payments of Estimated Income Tax by Corporations.

"§ 105-163.25. **Definitions.** — As used in this Article, unless the context requires otherwise:

(1) 'Corporation' means a corporation that has a reasonably estimated tax liability of at least five thousand dollars ($5,000). The term 'corporation' includes joint-stock companies or associations that meet these requirements.

(2) 'Estimated tax' means the amount of income tax the corporation estimates as the amount imposed by Article 4 for the taxable year. The appropriate percentage of estimated tax payable during the taxable year shall be determined by the following table:

For Taxable Years Beginning On and After:	**Percentages**
June 25, 1983, and before June 25, 1984	25%
June 25, 1984 and before June 25, 1985	50%
June 25, 1985, and before June 25, 1986	75%
June 25, 1986	100%

(3) 'Fiscal year' means an accounting period of 12 months ending on the last day of any month other than December.

(4) 'Secretary' means the Secretary of Revenue.

(5) 'Taxable year' means the calendar year or fiscal year used as a basis to determine net

income under Article 4. If no fiscal year has been established, 'fiscal year' means the calendar year. In the case of a return made for a fractional part of the year under Article 4, or under rules prescribed by the Secretary, 'taxable year' means the period for which the return is made.

"§ 105-163.26. **Declarations of estimated income tax required. —** (a) Declaration Required. Every corporation subject to taxation under Article 4 shall submit a declaration of estimated tax to the Secretary. This declaration is due at the time established in G. S. 105-163.27, and payment of the estimated tax is due at the time and in the manner prescribed in that section.

(b) Content. In the declaration of estimated tax, the corporation shall state its estimated total net income from all sources for the taxable year, the proportion of its total net income allocable to this State, its estimated tax, and any other information required by the Secretary.

(c) Amendments to Declaration. Under rules prescribed by the Secretary, a corporation may amend a declaration of estimated tax.

"§ 105-163.27. **Time for submitting declaration; time and method for paying estimated tax. —** (a) Due Dates of Declarations. Declarations of estimated tax are due at the same time as the corporation's first installment payment. Installment payments are due as follows:

(1) If, before the 1st day of the 4th month of the taxable year, the corporation's estimated tax equals or exceeds five thousand dollars ($5,000), the corporation shall pay the estimated tax in four equal installments on or before the 15th day of the 4th, 6th, 9th, and 12th months of the taxable year.

(2) If, after the last day of the 3rd month and before the 1st day of the 6th month of the taxable year, the corporation's estimated tax equals or exceeds five thousand dollars ($5,000), the corporation shall pay the estimated tax in three equal installments on or before the 15th day of the 6th, 9th and 12th months of the taxable year.

(3) If, after the last day of the 5th month and before the 1st day of the 9th month of the taxable year, the corporation's estimated tax equals or exceeds five thousand dollars ($5,000), the corporation shall pay the estimated tax in two equal installments on or before the 15th day of the 9th and 12th months.

(4) If, after the last day of the 8th month and before the 1st day of the 12th month of the taxable year, the corporation's estimated tax equals or exceeds five thousand dollars ($5,000), the corporation shall pay the estimated tax on or before the 15th day of the 12th month of the taxable year.

(b) Payment of Estimated Tax When Declaration Amended. When a corporation submits an amended declaration after making one or more installment payments on its estimated tax, the amount of each remaining installment shall be the amount that would have been payable if the estimate in the amended declaration was the original estimate, increased and decreased as appropriate by the amount computed by dividing:

(1) The absolute value of the difference between:
a. The amount paid and

b. The amount that would have been paid if the estimate in the amended declaration was the original estimate by

(2) The number of remaining installments.

(c) Short Taxable Year. Payment of estimated tax for taxable years of less than 12 months shall be made in accordance with rules promulgated by the Secretary.

"§ 105-163.28. **Penalty for underpayment. —** (a) Except as provided in subsection (d), if the amount of estimated tax paid by a corporation during the taxable year is less than the amount of tax imposed upon the corporation under Article 4 for the taxable year, the corporation shall be assessed an additional tax as a penalty in an amount determined by multiplying the amount of the underpayment as determined under subsection (b), for the period of the underpayment as determined under subsection (c), by the percentage established as the rate of interest on assessments under G. S. 105-241.1(i) that is in effect for the period of the underpayment.

(b) The amount of the underpayment shall be the difference between:

(1) the amount of the installment the corporation would have been required to pay if the corporation's estimated tax equalled eighty percent (80%) of the tax imposed under Article 4 for the taxable year, assuming the same schedule of installments, or eighty percent (80%) of the tax imposed for the taxable year if the corporation made no installment payments; and

(2) the amount, if any, of the corresponding installment timely paid by the corporation.

(c) The period of the underpayment shall run from the date the installment was required to be paid to the earlier of:

(1) the 15th day of the 3rd month following the close of the taxable year, or

(2) with respect to any portion of the underpayment, the date on which the portion is paid. An installment payment of estimated tax shall be considered a payment of any previous underpayment only to the extent the payment exceeds the amount of the installment determined under subdivision (1) of subsection (b) for that installment date.

(d) The penalty for underpayment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of the installments equals or exceeds the amount that would have been required to be paid on or before that date if the estimated tax was equal to the least of:

(1) the tax shown on the return of the corporation for the preceding taxable year, if the corporation filed a return for the preceding taxable year and the preceding year was a taxable year of 12 months;

(2) an amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the corporation for, and the law applicable to, the preceding taxable year; or

(3) an amount equal to eighty percent (80%) of the tax for the taxable year computed by placing on an annualized basis the taxable income:

a. for the first three months of the taxable year, in the case of the installment required to be paid in the 4th month;

b. for the first three months or for the first five months of the taxable year, in the case of the installment required to be paid in the 6th month;

c. for the first six months or for the first eight months of the taxable year, in the case of the installment required to be paid in the 9th month; and

d. for the first nine months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the 12th month of the taxable year.

(4) For purposes of this subdivision, the taxable income shall be placed on an annualized basis by multiplying by 12 the taxable income referred to in the preceding sentence, and dividing the resulting amount by the number of months in the taxable year (3, 5, 6, 8, 9, or 11 as the case may be) referred to in that sentence.

"§ 105-163.29. **Filing of declarations and other returns.** — The declarations, amended declarations, or any information returns required under the provisions of this Article from any corporation shall be signed by its president, vice-president, treasurer, assistant treasurer, secretary, or assistant secretary. If a receiver, trustee in bankruptcy, or assignee, by order of a court of competent jurisdiction or by operation of law or otherwise, has possession of or holds title to all or substantially all of the property or business of a corporation, whether or not the property or business is being operated, the receiver, trustee, or assignee shall make and sign the declarations, amended declarations, or any information returns for the corporation in the same manner and form as required of the corporation.

"§ 105-163.30. **Overpayment refunded.** — Any overpayment of estimated tax shall be credited to the taxpayer and applied to the tax imposed upon the taxpayer by Article 4. The Secretary shall not refund any overpayment before the corporation files its annual return. If, upon examining the annual return, the Secretary finds that the estimated tax paid by the corporation exceeds the amount of tax imposed upon the corporation under Article 4, the Secretary shall refund the amount of the overpayment in accordance with the provisions of Article 9.

"§ 105-163.31. **Willful failure to pay estimated tax.** — Any person required by this Article to pay any estimated tax who willfully fails to pay the estimated tax at the time or times required by law or rules shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed six months, or both."

Part VI. Sales and Use Taxes; Salvage Vehicle Changes.

Sec. 87. The first sentence of G. S. 105-164.3(15) is amended by inserting between the words "lease," and "or" the phrase "license to use or consume,".

Sec. 88. G. S. 105-164.3(20) is amended by adding the following at the end of the subdivision:

"The term includes all 'canned' or prewritten computer programs, either in the form of written procedures or in the form of storage media on which or in which the program is recorded, held, or existing for general or repeated sale, lease, or license to use or consume. The term does not include the design, development, writing, translation,

fabrication, lease, license to use or consume, or transfer for a consideration of title or possession of a custom computer program, other than a basic operational program, either in the form of written procedures or in the form of storage media on which or in which the program is recorded, or any required documentation or manuals designed to facilitate the use of the custom computer program.

As used in this subdivision:

a. 'Basic operational program' or 'control program' means a computer program that is fundamental and necessary to the functioning of a computer. A basic operational program is that part of an operating system, including supervisors, monitors, executives, and control or master programs, which consists of the control program elements of that system. A control or master program, as opposed to a processing program, controls the operation of a computer by managing the allocation of all system resources, including the central processing unit, main storage, input/output devices, and processing programs. A processing program is used to develop and implement the specific applications the computer is to perform.

b. 'Computer program' means the complete plan for the solution of a problem, such as the complete sequence of automatic data-processing equipment instructions necessary to solve a problem, and includes both systems and application programs and subdivisions, such as assemblers, compliers, routines, generators, and utility programs.

c. 'Custom computer program' means a computer program prepared to the special order of the customer. Custom computer programs include one of the following elements:

1. Preparation or selection of the programs for the customer's use requires an analysis of the customer's requirements by the vendor; or

2. The program requires adaptation by the vendor to be used in a particular make and model of computer utilizing a specified output device.

d. 'Storage media' means punched cards, tapes, disks, diskettes, or drums."

Sec. 89. G. S. 105-164.4(1) is amended as follows:

(1) by deleting the phrase "one hundred twenty dollars ($120.00)" in the first paragraph of that subdivision and inserting in lieu thereof the phrase "three hundred dollars ($300.00)"; and

(2) by deleting the third paragraph of that subdivision and inserting the following paragraphs in lieu thereof:

"Notwithstanding G. S. 105-164.3(16), the sales price of a motor vehicle is the gross sales price of the motor vehicle less any allowance given for a motor vehicle taken in trade as part of the consideration for the purchased motor vehicle.

The tax levied under this section applies to all retail sales of motor vehicles, regardless whether the seller is engaged in business as a retailer of motor vehicles and regardless whether a tax has previously been paid under this Article with respect to the vehicle. Purchasers of motor vehicles from sellers who are not retailers are liable for payment of

the tax. These purchasers shall pay the tax to the Commissioner of Motor Vehicles when applying for a certificate of title, registration, or registration plate for the vehicle. The sales price of a motor vehicle purchased from a seller who is not a retailer is considered to be either the standard value for the year, make, and model of that vehicle as established in schedules of value adopted by the Secretary or the amount paid by the purchaser for that vehicle, whichever is greater, provided the seller does not take a motor vehicle in trade as part of the purchase price. If the seller takes a motor vehicle in trade as part of the purchase price, the sales price of the motor vehicle sold is considered to be the difference in the standard value of the sold vehicle and the traded-in vehicle or the net amount paid by the purchaser, whichever is greater.

Every retail dealer of motor vehicles who sells a motor vehicle shall, when applying for a transfer of title for that vehicle, certify to the Commissioner of Motor Vehicles that he has collected the sales tax due on the sale of that vehicle and will remit the tax to the Secretary, and shall report the following information to the Commissioner:

(1) his name;

(2) the name of the purchaser; and

(3) the make and serial number of the vehicle sold.

The Commissioner of Motor Vehicles shall prepare forms to be used by retailers to make the certification and report required by this subsection. A retail dealer of motor vehicles who transfers a motor vehicle to another person by means other than a retail sale shall state on the certification form that no tax is due on the transfer of the motor vehicle because the transfer is not a retail sale.

No certificate of title, registration, or registration plate, shall be issued for any motor vehicle transferred pursuant to a retail sale unless the tax levied under this section is paid when application is made for transfer of title or the retailer who sold the vehicle makes the required certification and report when applying for transfer of title. The Commissioner of Motor Vehicles shall remit taxes collected by him under this subsection to the Secretary.

Persons who lease or rent motor vehicles shall collect and remit the tax imposed by this Article on the separate retail sale of a motor vehicle in addition to the tax imposed on the proceeds from the lease or rental of the motor vehicle."

Sec. 90. G. S. 105-164.6(3a) is amended as follows:

(1) by rewriting the first two sentences of that subdivision to read:

"Every person, firm, or corporation that purchases or acquires a motor vehicle shall pay a tax at the rate of two percent (2%) of the sales or purchase price of the vehicle, as determined in accordance with G. S. 105-164.4(1), not to exceed three hundred dollars ($300.00) per vehicle. This tax shall be paid to the Commissioner of Motor Vehicles when applying for a certificate of title or registration plate for the vehicle. A purchaser who furnishes to the Commissioner of Motor Vehicles a certificate from a retailer of motor vehicles engaged in business in this State stating that the purchaser has paid the tax levied on the vehicle by this Article to the retailer is relieved of liability for the tax.";

(2) by adding a new sentence at the end of the first paragraph to read: "The Commissioner of Motor Vehicles shall remit use taxes collected by him under this subdivision to the Secretary."; and

(3) by deleting the second paragraph of the subdivision and inserting the following paragraphs in lieu thereof:

"The tax levied under this section applies to all owners of motor vehicles, regardless whether the owner purchased or acquired the vehicle from a retailer of motor vehicles and regardless whether a tax has previously been paid under this Article with respect to the vehicle. The sales price of a motor vehicle acquired from a person who is not a retailer shall be determined in accordance with G. S. 105-164.4(1).

Persons who lease or rent motor vehicles shall collect and remit the tax imposed by this Article on the separate retail sale of a motor vehicle in addition to the tax imposed on the proceeds from the lease or rental of the motor vehicle."

Sec. 91. G. S. 105-164.13(16) is amended by inserting after the word "articles" the first time and the last time it appears in that subdivision the phrase "other than motor vehicles".

Sec. 92. G. S. 105-164.13(32) is amended by adding a new sentence at the end thereof to read:

"For sales made by a seller who is not a retailer, this exemption applies if the purchaser furnishes the Secretary an affidavit containing the information otherwise required from a retailer within 45 days of the date of the sale."

Sec. 93. G. S. 105-164.4(3) is rewritten to read:

"(3) Operators of hotels, motels, tourist homes, tourist camps, and similar type businesses and persons who rent private residences and cottages to transients are considered retailers under this Article. There is levied upon every such retailer a tax of three percent (3%) of the gross receipts derived from the rental of any room or rooms, lodgings, or accommodations furnished to transients for a consideration. This tax does not apply to any private residence or cottage that is rented for less than 15 days in a calendar year or to any room, lodging, or accommodation supplied to the same person for a period of 90 or more continuous days.

As used in this subdivision, the term 'persons who rent to transients' means (i) owners of private residences and cottages who rent to transients and (ii) rental agents, including 'real estate brokers' as defined in G. S. 93A-2, who rent private residences and cottages to transients on behalf of the owners. If a rental agent is liable for the tax imposed by this subdivision, the owner is not liable."

Sec. 94. G. S. 20-109.1 is amended as follows:

(1) by adding a new sentence at the end of subsection (d) to read:

"In addition to these criminal penalties, any person who violates this section is subject to a civil penalty of up to one hundred dollars ($100.00), to be imposed in the discretion of the Commissioner."; and

(2) by adding a new subsection to read:

"(e) The Commissioner shall charge a fee of ten dollars ($10.00) for issuing a title or forms as required by this section."

Sec. 95. G. S. 105-164.44A is rewritten to read:

"§ 105-164.44A. **Tax on motor vehicle items transferred to Highway Fund.** — Sales and use taxes collected on motor vehicle items and accessories shall be transferred from the General Fund to the Highway Fund as follows:

On a quarterly basis during the fiscal year ending June 30, 1984, the State Treasurer shall transfer from the General Fund to the Highway Fund the amount of twenty-five million eight hundred thousand dollars ($25,800,000), which represents fifteen percent (15%) of the estimated 1983-84 fiscal year sales and use tax collections from motor vehicles, motor vehicle parts, supplies, and accessories, and other transportation items. The quarterly transfers required by this section shall be made during September, December, March, and June of the fiscal year."

Part VII. Certificate-of-Need Fees.

Sec. 96. G. S. 131-177 is amended as follows:

(1) by changing the period at the end of subdivision (9) to a semicolon and adding the word "and"; and

(2) by adding a new subdivision to read:

"(10) Establish and collect fees for submitting applications for certificates-of-need, which fees shall be based on the total cost of the project for which the applicant is applying. This fee may not exceed fifteen thousand dollars ($15,000) and may not be less than four hundred dollars ($400.00)."

Sec. 97. G. S. 131-180 is amended by adding a new subsection to read:

"(c) All fees established by the Department for submitting an application for a certificate-of-need are due when the application is submitted. These fees are not refundable, regardless whether a certificate-of-need is issued."

Part VIII. Video Game Privilege License Tax.

Sec. 98. G. S. 105-66(b) is rewritten to read:

"The tax imposed under this section does not apply to machines and other devices licensed under G. S. 105-64, 105-65, or 105-66.1."

Sec. 99. Article 2 of Chapter 105 is amended by adding a new section to read:

"§ 105-66.1. **Electronic video games.** — (a) Every person, firm, or corporation engaged in the business of owning or operating machines that play electronic video games when a coin or other thing of value is deposited in the machine shall obtain from the Secretary of Revenue a statewide license for each machine owned or operated and shall pay a tax of fifteen dollars ($15.00) for each license. An application for a license shall include the serial number of the machine operated. The licensee shall attach the license to the machine in a conspicuous place. No person may allow an unlicensed video game machine in a place of business occupied by that person. Licenses issued under this section are not transferable from one machine to another. The Secretary may seize any machine not licensed in accordance with this section and may hold the machine until it is duly licensed. All machines licensed under this section shall have a counter that records the number of games played or the amount of money deposited in the machine, or both.

(b) As used in this section, a person, firm, or corporation is 'engaged in the business of owning an electronic video game machine' if he owns the machine and locates it in his own place of business; and a person, firm, or corporation is 'engaged in the business of operating an electronic video game machine' if he locates, exhibits, displays, or permits to be exhibited or displayed an electronic video game machine in a place of business other than his own.

(c) Counties, cities, and towns may levy a tax, not to exceed five dollars ($5.00) per machine, on the business taxed under this section."

Part IX. Alcoholic Beverage Fees and Taxes.

Sec. 100. G. S. 18B-804(b) is amended by adding a new subdivision to read:

"(6a) An additional bottle charge for local boards of one cent (1¢) on each bottle containing 50 milliliters or less and five cents (5¢) on each bottle containing more than 50 milliliters."

Sec. 101. G. S. 18B-804(b) (8) is amended by deleting the phrase "ten dollars ($10.00)" and substituting the phrase "fifteen dollars ($15.00)".

Sec. 102. G. S. 18B-805(b) (2) is amended by adding a new stentence to read: "In addition to the taxes levied under Chapter 105 of the General Statutes, the local board shall pay to the Department one third of the mixed beverages surcharge required by G. S. 18B-804(b) (8)."

Sec. 103. G. S. 18B-805(b) (3) is amended by deleting the phrase "ten percent (10%)" and substituting the phrase "six and two-thirds percent (6⅔%)".

Sec. 104. G. S. 18B-805(c) (1) is amended by inserting between the citation "18B-804(b) (5)" and the comma the phrase "and the bottle charge provided for in G. S. 18B-804(b) (6a)".

Sec. 105. G. S. 18B-902(d) (10) is rewritten to read:

"(10) Mixed beverages permit — $750.00."

Sec. 106. G. S. 18B-903(b) is amended by deleting the phrase "fifty percent (50%) of the original fee" and substituting the phrase "five hundred dollars ($500.00)".

Sec. 107. G. S. 105-113.86(a) (2) is amended by deleting the last sentence of that subdivision.

Sec. 108. G. S. 105-113.86(p) is amended in the first sentence by deleting the phrase "subsection (a)" and substituting the phrase "subdivision (a)(1)".

Part X. Effective Dates.

Sec. 109. Part I of this act shall become effective August 1, 1983, and shall apply to all actions initiated on and after that date. Part II shall become effective August 1, 1983, except that Sections 50 and 51 do not apply during the entire 1983 Session to any person registered under Article 9a of Chapter 120 of the General Statutes for the 1983 Session who registered before ratification of this act. Part III is effective upon ratification. Sections 54-60 of Part IV shall become effective January 1, 1984; Section 61 of Part IV

shall become effective September 1, 1983, and shall apply to registrations issued on or after that date. Sections 62-85 of Part V are effective for taxable years beginning on or after January 1, 1983; Section 86 of Part V applies to taxable years beginning on or after June 25, 1983. Sections 87-94 of Part VI shall become effective August 1, 1983; Section 95 of Part VI is effective upon ratification. Part VII of this act is effective upon ratification and applies to applications received or processed on or after that date. Applicants for a certificate-of-need whose application was submitted but not processed as of the effective date of this act shall remit the fee imposed by this act within 10 days of notification by the Secretary of Human Resources of the amount of the fee. Part VIII shall become effective July 1, 1984. Part IX shall become effective August 1, 1983, except that Sections 105 and 106 shall become effective May 1, 1984.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 209

HOUSE OF REPRESENTATIVES
July 6, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body requesting the return of Senate Committee Substitute for Senate Bill 209, AN ACT TO AMEND THE MOTOR VEHICLE LAWS IN CHAPTER 20 OF THE GENERAL STATUTES TO CONFORM TRUCK WEIGHTS ON STATE HIGHWAYS TO THE FEDERAL BRIDGE FORMULA AND TO UPDATE THE STATUTE BY MAKING OTHER CHANGES, for further consideration by the House of Representatives.

Respectfully,
S/ GRACE A. COLLINS
Principal Clerk

Without obejction, on motions of Senator Harrington, the Conferees appointed to consider the differences arising between the Senate and the House of Representatives are dismissed, and the Senate Committee Substitute bill is ordered returned to the House of Representatives for further consideration.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee:**

H. B. 684 (Senate Committee Substitute), a bill to establish the crime of involuntary servitude, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator White, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator White, the Senate Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Friday, July 8.

By Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 609, a bill to develop a program to enhance the capability of certain public assistance recipients to obtain and retain employment and to become and remain self-sufficient, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris of Cleveland, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Harris of Cleveland the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S. B. 633, a bill to modify the juvenile admission laws, with a favorable report.

H. B. 1344, a bill to amend qualifications for licensure for nursing home administrators, with a favorable report.

By Senator Rand for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

H. B. 315 (Committee Substitute), a bill to strengthen laws regulating sales of alcoholic beverages, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rand, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, July 8.

H. B. 604 (Committee Substitute), a bill to amend the statutes concerning various boards and commissions in the Department of Correction, with a favorable report.

H. B. 1127 (Committee Substitute), a bill to amend G. S. 143B-417 to provide that the Justices of the Supreme Court and Judges of the Court of Appeals be included among the offices to which student interns may be assigned, with a favorable report.

H. B. 1130, a bill to clarify the Rape Victim Assistance Program by specifying that ambulance and mental health counseling costs are covered and to provide approved kits for the collection of medical evidence in rape cases, with a favorable report.

H. B. 1167, a bill setting a time limit for filing the final affidavit for administration of a small estate, with a favorable report.

By Senator Swain for the **Special Ways and Means Committee:**

S. B. 648, a bill to permit local public officials to buy at public auction of that local government, with a favorable report.

S. J. R. 656, a joint resolution permitting the Legislative Research Commission to study public health facility laws, with a favorable report.

On motion of Senator Swain, the joint resolution is re-referred to the **Appropriations Committee.**

S. J. R. 657, a joint resolution authorizing the Legislative Research Commission to study life care arrangements, with a favorable report.

On motion of Senator Swain, the joint resolution is re-referred to the **Appropriations Committee.**

H. B. 265, a bill to establish the North Carolina Housing Commission, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Appropriations Committee.**

H. B. 541 (Committee Substitute), a bill to provide an income tax credit for the purchase of conservation tillage equipment for agriculture and forestry, with a favorable report.

On motion of Senator Swain, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H. B. 785 (Committee Substitute), a bill to be known as the North Carolina Time Share Act as recommended by the General Statutes Commission, with a favorable report.

On motion of Senator Swain, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H. B. 1285, a bill to place in the Administrative Office of the Courts the authority to adopt regulations governing the indigent defense program, with a favorable report.

H. J. R. 1360, a joint resolution honoring the life and memory of John Coltrane, with a favorable report.

H. B. 1367, a bill to correct a technical conflict between Chapter 567 and Chapter 561 of the Session Laws of 1983, with a favorable report.

H. B. 1368, a bill to allow five acre horticultural tracts to qualify for use valuation, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Staton moves that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senators Staton, Johnson, and Woodard:

S. B. 663, a bill to clarify the condemnation powers of county water and sewer districts.

Senator Harris of Cleveland offers a motion that the bill be placed on the Calendar for tomorrow, upon second reading, which motion prevails (electronically recorded).

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 322 (Committee Substitute), a bill authorizing the Department of Human Resources to designate geographic areas within which a solid waste management plan will provide for the collection and disposal of solid waste; requiring waste generated within said areas to be disposed of at permitted solid waste management facilities; authorizing cities and counties to evaluate proposals and negotiate contracts on the basis of factors

other than price alone; and expanding the powers of municipalities with respect to the issuance of revenue bonds for systems, facilities and equipment for the collection, treatment or disposal of solid waste.

Referred to **Rules and Operation of the Senate Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 157 (Committee Substitute), a bill to authorize high school employees designated by the school board and appointed by the County Board of Elections to register voters for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, July 7.

S. B. 424 (House Committee Substitute), a bill relating to the motor vehicle dealers and manufacturers licensing law, for concurrence in the House Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended (electronically recorded) and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S. B. 544 (House Committee Substitute), a bill to exempt certain religious, nonprofit conference centers from the coverage of the wage and hour laws, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, July 7.

S. J. R. 585, a joint resolution recognizing and clarifying the policy of this State to afford the opportunity for mentally and developmentally disabled persons for adequate community support services, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, July 7.

H. B. 489 (Committee Substitute), a bill to define the conditions under which certain bingo games and raffles are lawful.

Referred to **Special Ways and Means Committee.**

H. B. 612 (Committee Substitute), a bill to revise the statutes relating to the Game Commission of Currituck County.

Referred to **Special Ways and Means Committee.**

H. B. 1331 (Committee Substitute), a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission.

Referred to **Special Ways and Means Committee.**

H. B. 1409, a bill to amend Chapter 600 of the Session Laws of 1983 concerning the date of the special election to incorporate the Town of Lynn.

Referred to **Special Ways and Means Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. J. R. 113 (House Committee Substitute), a joint resolution urging public access for Corolla and the Currituck Outer Banks, for concurrence in the House Committee Substitute joint resolution.

On motion of Senator Daniels, the Senate concurs in the House Committee Substitute joint resolution (electronically recorded) and the joint resolution is ordered enrolled.

S. B. 278 (Committee Substitute), a bill to recodify the public hospital laws in Chapter 131 and 131B and in portions of Chapter 130 of the General Statutes, upon second reading.

On motion of Senator Hancock, the Committee Substitute bill is recommitted to the **State Government Committee.**

S. B. 473, a bill to make shopping cart theft unlawful, for concurrence in House Amendment No. 1.

On motion of Senator Lawing, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

S. B. 508, a bill to clarify the State Treasurer's investment authority and to enhance the management of the Turst Fund Investment Program, for concurrence in House Amendment No. 1.

On motion of Senator Rauch, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

S. B. 573, a bill to limit to three years the requirement for a bond when a default judgment is taken pursuant to the Rules of Civil Procedure.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H. B. 56 (Committee Substitute), a bill to amend the safe driver insurance plan provisions by increasing the property damage threshold chargeable accidents and eliminating surcharges for certain speeding traffic violations, as amended, upon third reading, with pending Amendment No. 3.

Pending Amendment No. 3, offered by Senator Barnes of Forsyth, is withdrawn.

Senator Barnes of Forsyth offers Amendment No. 4 which is adopted (electronically recorded), amending Amendment No. 1.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1, 2, and 4.

H. B. 1003 (Committee Substitute), a bill to provide that if property owned by a local board of education is no longer suitable or necessary for public school purposes, the board of county commissioners has the first opportunity to purchase.

On motion of Senator Martin, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1258, a bill to revise and simplify G. S. 8-56 regarding the testimony of spouses in civil actions.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

On motion of Senator Allsbrook, consideration of the bill, as amended, is postponed until Thursday, July 7.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

July 6, 1983

S. B. 506 (Committee Substitute), an act to strengthen the role of political parties in election financing. (Ch. 700)

H. B. 28, an act to provide an unlimited gift tax exclusion for certain educational and medical payments. (Ch. 685)

H. B. 545 (Senate Committee Substitute), an act to amend Chapter 25A of the General Statutes to clarify certain types of "sale" in the Retail Installment Sales Act. (Ch. 686)

H. B. 644, an act to allow Gaston County to regulate vehicle towing businesses within the unincorporated areas of Gaston County. (Ch. 687)

H. B. 654 (Committee Substitute), an act to establish a procedure for revoking consent to adoption. (Ch. 688)

H. B. 925, an act to amend G. S. 58-43 relating to nonresident agents. (Ch. 689)

H. B. 1006 (Committee Substitute), an act to require designated agents to be bonded or provide other forms of indemnification for aggrieved persons. (Ch. 690)

H. B. 1076 (Committee Substitute), an act to increase minimum requirement for financial responsibility proof or security deposit requirements to five hundred dollars. (Ch. 691)

H. B. 1116 (Senate Committee Substitute), an act to require state agencies and political subdivisions to cooperate in efforts to promote the use of small, minority, physically handicapped and women contractors in public construction and purchasing contracts. (Ch. 692)

H. B. 1156, an act to classify for ad valorem tax purposes certain real property owned by nonprofit corporations organized for historic preservation purposes. (Ch. 693)

H. B. 1173 (Committee Substitute), an act to modify the burden of proof and punishment for allowing prisoners to escape. (Ch. 694)

H. B. 1215, an act to classify methaqualone as a Schedule I controlled substance. (Ch. 695)

H. B. 1226 (Senate Committee Substitute), an act to clarify the time when municipal ordinances are introduced. (Ch. 696)

H. B. 1237, an act to restore the 1975 law on termination of employment of a county supervisor of elections. (Ch. 697)

H. B. 1239 (Committee Substitute), an act to provide for disposal of personal and other property in condemned buildings. (Ch. 698)

H. B. 1284, an act authorizing registers of deeds to maintain computer indexes. (Ch. 699)

On motion of Senator Lawing, seconded by Senator Hardison, the Senate adjourns to meet tomorrow at 2:00 P.M.

ONE HUNDRED TWENTY-SIXTH DAY

SENATE CHAMBER,
Thursday, July 7, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Rodney Hamm, Minister of Millbrook Methodist Church, Raleigh, as follows:

"O God, we thank Thee for this world and for this State in which we live, our great home — for her vastness and her riches, for the life which teems within her of which we are a part.

"We praise Thee for the arching sky, the towering mountains, for the ocean and her running water, for hills and trees and the grass beneath our feet.

"We thank Thee for our senses by which we can see the splendor of this day and feel the spirit of human love.

"Grant us, we pray Thee, a heart wide open to all beauty and joy. Save us from being so steeped in anxiety or darkened by passion that we pass through life missing the beauty that You have given us to enjoy. As protectors of our resources, both of nature and of the human spirit, make us such responsible stewards that both may benefit from our presence and our work here today. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and its stands approved as written.

The President grants a leave of absence to Senator Soles for today and tomorrow, July 7 and 8.

ELECTION OF MEMBERS TO THE UNIVERSITY BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

Senator Lawing for the **Rules and Operation of the Senate Committee** submits to the Senate the slate of nominees placed in Joint Session with the House of Representatives as follows:

MINORITY PARTY CATEGORY EIGHT YEAR SEAT
(Senate Will Elect One)
James Earl Danieley, Elon College
Barbara Stockton Perry, Kinston
Ed Tenney, Chapel Hill

AT-LARGE CATEGORY EIGHT YEAR SEAT
(Senate Will Elect Three)
Irwin Belk, Charlotte
Wayne A. Corpening, Winston-Salem
Daniel C. Gunter, Jr., Gastonia

George Austin Hux, Enfield
Irvin L. Joyner, Raleigh
Samuel Hawley Poole, Southern Pines
John F. Shuford, Asheville

Pursuant to **H. J. R. 1135,** a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, the Senate proceeds to vote by secret ballot.

The ballots are duly tabulated by Senator Lawing, pursuant to **H. J. R. 1135,** and the results are announced as follows:

MINORITY PARTY CATEGORY EIGHT-YEAR TERM

James Earl Danieley

AT-LARGE CATEGORY EIGHT-YEAR TERM

Irwin Belk
Wayne A. Corpening
Samuel Hawley Poole

On motion of Senator Lawing, the above-named individuals are elected to the Board of Governors of the University of North Carolina by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The President orders a special message sent to the House of Representatives informing that Honorable Body of such action.

RE-REFERRAL

H. B. 785 (Committee Substitute), a bill to be known as the North Carolina Time Share Act as recommended by the General Statutes Commission.

On motion of Senator Jenkins, the Committee Substitute bill is taken from the **Appropriations Committee** and re-referred to the **Finance Committee.**

CONFERENCE COMMITTEE APPOINTMENTS

H. B. 683 (Senate Committee Substitute), a bill to rewrite G. S. 20-217 pertaining to passing stopped school buses and receiving or discharging passengers from school buses stopped on divided roadways.

Without objection, Senator Soles is dismissed as a conferee and Senator Rand is appointed.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 767 (Senate Committee Substitute), a bill to amend G. S. 90-108 to prohibit embezzlement of controlled substances by employees of practitioners and registrants, and

to prohibit "doctor shopping" as a means of fraudulently obtaining controlled substances from practitioners.

Without objection, Senator Soles is dismissed as a conferee and Senator Johnson is appointed.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORTS

H. B. 53 (Senate Committee Substitute)

Senator Allsbrook, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 53** (Senate Committee Substitute), a bill to make amendments concerning the Advisory Budget Commission and other boards to implement the recommendations of the Committee on Separation of Powers, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Committee Substitute (Fourth Edition Engrossed) for the House Committee Substitute for House Bill 53, A BILL TO BE ENTITLED AN ACT TO MAKE AMENDMENTS CONCERNING THE ADVISORY BUDGET COMMISSION AND OTHER BOARDS TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMITTEE ON SEPARATION OF POWERS wish to report as follows: The House concurs in the Senate Committee Substitute (fourth edition engrossed) with the following amendments:

(1) on page 11, lines 7 through 10 by deleting those lines in their entirety, and on page 11, line 1 by renumbering Section 43.6 to be Section 44.

(2) on page 15, line 2 by inserting immediately before the comma the words "and the Capital Building Authority", and on page 15, line 13 by inserting immediately before the comma the words "and the Capital Building Authority"

(3) on page 26, lines 21 and 22 by rewriting those lines to read: "Sec. 115. This act is effective upon ratification, except that"

To this end, the conferees recommend that the Senate and House of representatives adopt the foregoing report.

This the 7th day of July, 1983.

JULIAN R. ALLSBROOK	GEORGE W. MILLER, JR.
KENNETH C. ROYALL, JR.	WILLIAM T. WATKINS
CECIL JENKINS	ALLEN ADAMS
ROBERT S. SWAIN	PARKS HELMS
OLLIE HARRIS	RICHARD WRIGHT
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

On motion of Senator Allsbrook, the Conference Report is adopted (electronically

recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 1221 (Senate Committee Substitute)

Senator Edwards of Caldwell, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 1221** (Senate Committee Substitute), a bill to exempt certain limited partnership debt obligations from the application of the State's interest laws, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute adopted June 23, 1983 to House Bill 1221, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN LIMITED PARTNERSHIP DEBT OBLIGATIONS FROM THE APPLICATION OF THE STATE'S INTEREST LAWS, wish to report as follows: that the House and Senate agree to amend the Senate Committee Substitute on page 2 by placing after the word and punctuation "examination'." the following: "; and further amended by deleting the last sentence of G. S. 54B-246(a) and by adding in lieu thereof the following sentence:

'The grant of general control and supervision over mutual deposit guaranty associations to the Secretary of Commerce by this Article shall in no way be deemed to affect the existing powers, duties and responsibilities of the Credit Union Commission, the Commissioner of Banks, the State Banking Commission or the North Carolina Savings and Loan Commission except for the removal herein of general control and supervision over mutual deposit guaranty associations from the Administrator of the Savings and Loan Division to the Secretary of Commerce.'."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 7th day of July, 1983.

JAMES H. EDWARDS	CHARLES D. EVANS
BENJAMIN T. TISON	EDWARD NELSON WARREN
W. CRAIG LAWING	MARGARET TENNILLE
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

On motion of Senator Edwards of Caldwell, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 1260

Senator Allsbrook, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H. B. 1260**, a bill to make technical conforming changes in the rape indictment statute as a result of Chapter 175 of the Session Laws of 1983, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and House of Representatives on House Bill 1260, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CONFORMING CHANGES IN THE RAPE INDICTMENT STATUTE AS A RESULT OF CHAPTER 175 OF THE SESSION LAWS OF 1983, wish to report as follows: The House concurs in Senate Amendment #1 with the following amendment: In Senate Amendment #1, delete "Sec. 5. This act shall become effective October 1, 1983" and insert in lieu thereof "Sec. 5. Sections 1, 2, and 3 of this act shall become effective October 1, 1983. The remainder of this act is effective upon ratification."

The Senate concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of July 1983.

JULIAN R. ALLSBROOK
ROBERT S. SWAIN
CECIL R. JENKINS
Conferees on the part
of the Senate

H. MARTIN LANCASTER
DANIEL T. BLUE, JR.
BERTHA M. HOLT
Conferees on the part
of the House of Representatives

On motion of Senator Allsbrook, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

H. B. 1117, a bill to amend the North Carolina Securities Act, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Edwards of Caldwell, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Edwards of Caldwell, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 11.

By Senator Harris of Cleveland for the **Human Resources Committee:**

H. B. 733 (Committee Substitute), a bill to provide for the licensing of facilities for the mentally ill, the mentally retarded and substance abusers, with a favorable report.

H. B. 954, a bill to regulate the purchase of Mutual Burial Associations, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris of Cleveland, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris of Cleveland, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 11.

H. B. 1191 (Committee Substitute), a bill to exempt private homes offering bed and

breakfast accommodations from the food and lodging requirements of the public health laws, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris of Cleveland, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 1191** (Senate Committee Substitute), a bill to exempt private homes offering bed and breakfast accommodations from the food and lodging requirements of the public health laws and to authorize the Health Services Commission to adopt rules by July 1, 1984, is placed before the Senate for immediate consideration.

On motion of Senator Harris of Cleveland, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 11.

By Senator Allsbrook for the **Judiciary I Committee:**

S. B. 455, a bill to create a Narcotics Investigative Crime Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute joint resolution.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute joint resolution, which changes the bill to a joint resolution and the title to read **S. J. R. 455** (Committee Substitute), a joint resolution authorizing the Legislative Research Commission to study the issue of creating a Narcotics Investigative Crime Commission, is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute joint resolution is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

By Senator Hancock for Senator Soles for the **Judiciary II Committee:**

S. B. 631, a bill to amend the Constitution to expand the punishments for conviction of a crime, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hancock, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hancock, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 11.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 43, a bill to simplify and codify the Rules of Evidence, with an unfavorable report.

S. B. 79, a bill to provide that the act of driving while impaired by alcohol or drugs shall constitute gross negligence allowing an injured party to recover punitive damages, with an unfavorable report.

S. B. 316, a bill to include felonious breaking and entering within the felony murder rule, with an unfavorable report.

S. B. 324, a bill to define second degree felony murder, with an unfavorable report.

S. B. 339, a bill to make injury by vehicle a criminal offense, with an unfavorable report.

S. B. 344, a bill to increase the amount of insurance proceeds the Clerk of Superior Court or public guardian may receive and administer for minors and incapacitated adults, with an unfavorable report.

H. B. 693, a bill to allow firemen and other investigators to inspect fire-damaged

property with an inspection warrant when it is necessary to do so, with an unfavorable report.

By Senator Rand for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

S. B. 70, a bill allowing members of the Police Reserve and Police Auxiliary to carry concealed weapons, with an unfavorable report.

S. B. 237, a bill to clarify the disposition of a child born of a female prisoner, with an unfavorable report.

S. B. 309, a bill to define law enforcement officer as found in G. S. 143-166, with an unfavorable report.

S. B. 530, a bill to provide for the appointment of special process servers, with an unfavorable report.

H. B. 642, a bill to clarify State responsibility for jailer training and certification, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rand, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 11.

By Senator Marion for the **Local Government and Regional Affairs Committee:**

H. B. 1263, a bill authorizing nearby counties to join in the Bertie-Martin Regional Jail, with a favorable report.

H. B. 1277 (Committee Substitute), a bill to deny authority to Caswell Beach to exercise jurisdiction under Article 19 of Chapter 160A of the General Statutes over Fort Caswell, with a favorable report, as amended.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee:**

S. B. 270, a bill to amend the Well Construction Act, G. S. 87-83 et seq., to provide for civil penalties and criminal penalties, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Craven, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Craven, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, July 8.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

H. B. 524, a bill to repeal all administrative rules adopted under the A.P.A. and require their adoption by the General Assembly, with a favorable report.

H. B. 810, a bill to allow the Speaker of the House and the President of the Senate to authorize studies by standing committees and to create and appoint select committees of the General Assembly, with a favorable report.

H. J. R. 1345, a joint resolution expressing the intent of the General Assembly

concerning the revision of the Administrative Procedure Act and rules promulgated under that Act, with a favorable report.

By Senator Swain for the **Special Ways and Means Committee:**

S. B. 504 (House Committee Substitute), a bill to clarify the venue for the trial of felony offenses committed within the corporate limits of a municipality which lies within more than one county, with a favorable report as to concurrence.

S. J. R. 654, a joint resolution authorizing the Legislative Research Commission to study the financing of the constituent institutions of the University of North Carolina and private and independent colleges and universities, with a favorable report.

On motion of Senator Swain, the joint resolution is re-referred to the **Appropriations Committee.**

H. B. 517 (Committee Substitute), a bill to revise the statutes relating to the State Auditor, with a favorable report.

H. B. 1196, a bill to place the President of the North Carolina Society of Fire Instructors and the President of the North Carolina Association of Fire Marshalls on the State Fire Commission, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Appropriations Committee.**

H. B. 1306, a bill to permit payment of dividends for employer groups, with a favorable report.

H. J. R. 1309, a joint resolution to authorize the Legislative Research Commission to study the disposition of animals by animal shelters and pounds, with a favorable report.

On motion of Senator Swain, the joint resolution is re-referred to the **Appropriations Committee.**

H. B. 1319, a bill to make certain changes to various consumer protection statutes, with a favorable report.

H. B. 1354, a bill to amend the subpoena law relating to the production of documentary evidence, with a favorable report.

H. B. 1409, a bill to amend Chapter 600 of the Session Laws of 1983 concerning the date of the special election to incorporate the Town of Lynn, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Edwards of Caldwell:

S. B. 660, a bill to prohibit assaults and threats against members of the Parole Commission.

Referred to **Special Ways and Means Committee.**

By Senator Thomas of Henderson:

S. J. R. 661, a joint resolution authorizing the Legislative Research Commission to study the problem of worthless checks.

Referred to **Appropriations Committee.**

By Senator Allsbrook:

S. B. 662, a bill to allow sanitary districts to make assessments against benefitted property for water and sewer projects.
Referred to **Finance Committee.**

By Senator Allsbrook:

S. B. 664, a bill to limit State funding of nonuniform school days and terms.
Referred to **Special Ways and Means Committee.**

Senator Gray moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Gray, Duncan, and Rauch:

S. B. 666, a bill to grant a partial tax exemption for gasohol made from agricultural or forestry waste products or by-products.
Referred to **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 141 (House Committee Substitute), a bill to rewrite the public health laws, for concurrence in the House Committee Substitute bill.
Referred to **Rules and Operation of the Senate Committee.**

S. B. 209 (Committee Substitute), a bill to amend the motor vehicle laws in Chapter 20 of the General Statutes to conform truck weights on State highways to the federal bridge formula and to update the statute by making other changes, for concurrence in House Amendments Nos. 1, 2, 3, and 4, which is placed on the Calendar for tomorrow, July 8.

S. B. 217, a bill to permit members of the Teachers' and State Employees' Retirement System to purchase creditable service for temporary State employment by paying an amount equal to the full actuarial liability, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 8.

S. B. 429, a bill to provide payment for attorneys or guardians *ad litem* for certain persons, for concurrence in House Amendments Nos. 1 and 2, which is placed on the Calendar for tomorrow, July 8.

S. B. 618, a bill to give the City of Eden authority to abolish the City of Eden Employees' Retirement System upon transfer of employees to the North Carolina Local Governmental Employees' Retirement System, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 8.

H. B. 1302, a bill to permit certain employees of the Charlotte Fire Department to purchase credit in the Charlotte Firemen's Retirement System for prior service as fire officers.
Referred to **Special Ways and Means Committee.**

H. B. 1318, a bill to amend the membership composition of the Governor's Waste Management Board.

Referred to **Special Ways and Means Committee.**

H. B. 1394, a bill to validate certain foreclosure sales.

Referred to **Special Ways and Means Committee.**

H. B. 1400, a bill to clarify the provisions of the fair employment and dismissal act.

Referred to **Special Ways and Means Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 157 (Committee Substitute), a bill to authorize high school employees designated by the school board and appointed by the County Board of Elections to register voters, for concurrence in House Amendment No. 1.

On motion of Senator Hancock, the Senate concurs in House Amendment No. 1 (electronically recorded) and the Committee Substitute bill is ordered enrolled.

S. B. 503 (Committee Substitute), a bill to amend the time of execution of persons sentenced to death.

On motion of Senator Allsbrook, consideration of the Committee Substitute bill is postponed until Monday, July 11.

S. B. 544 (House Committee Substitute), a bill to exempt certain religious, nonprofit conference centers from the coverage of the wage and hour laws, for concurrence in the House Committee Substitute bill.

On motion of Senator Tison, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 556 (Committee Substitute), a bill to amend G. S. 143-134.1 to require timely payments to subcontractors and to prevent retainage percentages on subcontract payments to exceed those on prime contract payments.

Senator Duncan offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. J. R. 585, a joint resolution recognizing and clarifying the policy of this State to afford the opportunity for mentally and developmentally disabled persons for adequate community support services, for concurrence in House Amendment No. 1.

On motion of Senator Jordan, the Senate concurs in House Amendment No. 1 (electronically recorded) and the joint resolution is ordered enrolled.

S. B. 633, a bill to modify the juvenile admission laws.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 648, a bill to permit local public officials to buy at public auction of that local government.

The bill fails to pass its second reading (electronically recorded).

S. B. 663, a bill to clarify the condemnation powers of county water and sewer districts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Clevland, Hipps, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Ward, White, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar, upon third reading.

H. B. 278 (Senate Committee Substitute), a bill to enact the Tax Adjustment Act of 1983, Conference Report for adoption, upon second reading.

The Conference Report is adopted upon second reading by roll-call vote, ayes 45, noes 4, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Woodard—45.

Voting in the negative: Senators Allred, Ballenger, Kincaid, and Wright—4.

The Conference Report remains on the Calendar, upon third reading.

H. B. 604 (Committee Substitute), a bill to amend the statutes concerning various boards and commissions in the Department of Correction.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1127 (Committee Substitute), a bill to amend G. S. 143B-417 to provide that the Justices of the Supreme Court and Judges of the Court of Appeals be included among the offices to which student interns may be assigned.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1130, a bill to clarfiy the Rape Victim Assistance Program by specifying that ambulance and mental health counseling costs are covered and to provide approved kits for the collection of medical evidence in rape cases.

The bill passes its second reading (electronically recorded).

On objection of Senator Harris of Cleveland to its third reading, the bill remains on the Calendar for further consideration.

H. B. 1167, a bill setting a time limit for filing the final affidavit for administration of a small estate.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1258, a bill to revise and simplify G. S. 8-56 regarding the testimony of spouses in civil actions, as amended.

Senator Winner offers Amendment No. 2 which rewrites Amendment No. 1.

Senator Hancock offers a motion that the bill, as amended, with pending Amendment No. 2, be recommitted to the **Judiciary I Committee,** which motion fails to prevail (electronically recorded).

Senator Harris of Cleveland, seconded by Senator Hardison, offers a motion that the bill, as amended, with pending Amendment No. 2, do lie upon the table, which motion prevails (electronically recorded). The bill, as amended, lies upon the table.

Senator Swain offers a motion, duly seconded, that the vote by which the bill, as amended, with pending Amendment No. 2 was tabled, be reconsidered, and that that motion do lie upon the table, which motion prevails (electronically recorded).

H. B. 1285, a bill to place in the Administrative Office of the Courts the authority to adopt regulations governing the indigent defense program.

On motion of Senator Swain, the bill is recommitted to the **Special Ways and Means Committee.**

H. B. 1344, a bill to amend qualifications for licensure for nursing home administrators.

Senator Harris of Cleveland offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. J. R. 1360, a joint resolution honoring the life and memory of John Coltrane.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1367, a bill to correct a technical conflict between Chapter 567 and Chapter 561 of the Session Laws of 1983.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 113 (House Committee Substitute), a joint resolution urging public access for Corolla and the Currituck Outer Banks. (Res. 42)

S. B. 384, a bill to permit the local boards of education in Avery and Watauga Counties to schedule longer school days so as to offset days lost due to inclement weather. (Ch. 703)

S. B. 424 (House Committee Substitute), a bill relating to the motor vehicle dealers and manufacturers licensing law. (Ch. 704)

S. B. 473, a bill to make shopping cart theft unlawful. (Ch. 705)

S. B. 508, a bill to clarify the State Treasurer's investment authority and to enhance the management of the Trust Fund Investment Program. (Ch. 702)

H. B. 96 (Senate Committee Substitute), a bill to simplify and codify the rules of evidence. (Ch. 701)

On motion of Senator Lawing, seconded by Senator Winner, the Senate adjourns to meet tomorrow at 11:00 A.M.

ONE HUNDRED TWENTY-SEVENTH DAY

SENATE CHAMBER,
Friday, July 8, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Terrence Collins, Associate Pastor, St. Raphael's Catholic Church, Raleigh, as follows:

"Lord God, Father of all, once again we come before You to ask Your blessings and guidance as we serve Your family and ours. Enable us to distinguish between needs and wants, so that the needs of Your people whom we serve will be met with equality and justice. Enable us, too, to be healers as well as leaders, making our State and homeland a place where there is no more pain or sorrow, only peace and joy, a place where the walls of division, poverty and ignorance are torn down and the family of man, Your family and ours, lives in Your love.

"Finally, Father, as we have worked to enable those we serve enjoy the benefits of Your creation, enable us to complete our tasks this season and enjoy the fruits of Your creation, to return renewed, aware of Your presence and alive to Your call and the call of Your people. This we ask in Your name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Daniels for Monday, July 11 through Thursday, July 14.

A leave of absence granted previously to Senator Soles is noted.

Senator Allred is noted present.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
July 7, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body that pursuant to HJR 1135, as amended by SJR 655, the following persons have been elected to the Board of Governors of the University of North Carolina:

AT-LARGE CATEGORY FOR EIGHT-YEAR TERM
John R. Jordan, Jr.
J. Aaron Prevost

MINORITY CATEGORY FOR EIGHT-YEAR TERM
Louis T. Randolph

WOMEN'S CATEGORY FOR EIGHT-YEAR TERM
Joan Fox

Respectfully,
S/ GRACE COLLINS
Principal Clerk

RE-REFERRAL

S. B. 651, a bill to consolidate functions relating to building regulations, design, construction, and facilities management within the Department of Administration.

Without objection, on motion of Senator Rauch the bill is taken from the **Finance Committee** and re-referred to the **Appropriations Committee.**

RECONSIDERATION

S. B. 556 (Committee Substitute), a bill to amend G. S. 143-134.1 to require timely payments to subcontrators and to prevent retainage percentages on subcontract payments to exceed those on prime contract payments.

Without objection, Senator Duncan recalls the Committee Substitute bill from the Engrossing Office.

Senator Duncan moves that the vote by which the Committee Substitute bill, as amended, passed its third reading be reconsidered, which motion prevails.

The Committee Substitute bill, as amended, remains on the Calendar for further consideration, upon third reading.

Senator Duncan offers Amendment No. 2 which is adopted (electroncially recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1260

HOUSE OF REPRESENTATIVES
July 7, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on H. B. No. 1260, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CONFORMING CHANGES IN THE RAPE INDICTMENT STATUTE AS A RESULT OF CHAPTER 175 OF THE SESSION LAWS OF 1983, to the end that when a similar action has been take on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

July 8, 1983

By Senator Rauch for the **Finance Committee:**

S. B. 514 (Committee Substitute), a bill to amend G. S. 14-322 to permit garnishment of up to forty percent of wages for willful failure to provide child support, with a favorable report, as amended.

S. B. 640, a bill to license locksmiths, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motio. of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 11.

S. B. 666, a bill to grant a partial tax exemption for gasohol made from agricultural or forestry waste products or by-products, with a favorable report.

On motion of Senator Gray, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 709 (Senate Committee Substitute), a bill to establish the Alarm Systems Licensing Act, with a favorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. B. 141 (House Committee Substitute), a bill to rewrite the public health laws, with an unfavorable report, as to concurrence.

On motion of Senator Lawing, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Lawing moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motion prevails. The President appoints Senators Lawing, Royall, Swain, Harris of Cleveland, Rauch, Hancock, and Hardison, as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. J. R. 613, a joint resolution of the intent of the General Assembly to be involved in the use of funds through the Job Training Partnership Act, with an unfavorable report as to joint resolution, but favorable as to Committee Substitute joint resolution.

On motion of Senator Lawing, the rules are suspended and the Committee Substitute joint resolution is placed before the Senate for immediate consideration.

On motion of Senator Lawing, the Committee Substitute joint resolution is adopted, and on his further motion is placed on the Calendar for Monday, July 11.

H. B. 322 (Committee Substitute), a bill authorizing the Department of Human Resources to designate geographic areas within which a solid waste management plan will provide for the collection and disposal of solid waste; requiring waste generated within said areas to be disposed of at permitted solid waste management facilities; authorizing cities and counties to evaluate proposals and negotiate contracts on the basis of factors other than price alone; and expanding the powers of municipalities with respect to the issuance of revenue bonds for systems, facilities and equipment for the collection, treatment or disposal of solid waste, with a favorable report.

On motion of Senator Lawing, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Swain for the **Special Ways and Means Committee:**

S. B. 658, a bill to amend Chapters 58 and 66 of the General Statutes to allow for limited licensing of motor club sales agents to provide insurance, with a favorable report.

S. B. 659, a bill creating the Study Commission on Fiscal Planning and Accountability, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Appropriations Committee.**

H. B. 1201, a bill to change the eligibility requirements for use-value classification of agricultural land, with a favorable report.

On motion of Senator Lawing, the bill is re-referred to the **Finance Committee.**

H. B. 1302, a bill to permit certain employees of the Charlotte Fire Department to purchase credit in the Charlotte Firemen's Retirement System for prior service as fire officers, with a favorable report.

On motion of Senator Lawing, the bill is re-referred to the **Pensions and Retirement Committee.**

H. B. 1318, a bill to amend the membership composition of the Governor's Waste Management Board, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Appropriations Committee.**

H. B. 1331 (Committee Substitute), a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission, with a favorable report, as amended.

H. B. 1401, a bill providing that the Henderson County jail shall be operated as provided by general law, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 1401** (Senate Committee Substitute), a bill providing that the Henderson County Jail shall be operated as provided by the General Statutes, is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 11.

H. J. R. 1404, a joint resolution authorizing the Legislative Research Commission to study interstate water resources issues involving the States of North Carolina and Virginia, with a favorable report.

On motion of Senator Swain, the joint resolution is re-referred to the **Appropriations Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 53
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 8, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the

House has adopted the report of the Conferees on SCS for HCS for H. B. No. 53, A BILL TO BE ENTITLED AN ACT TO MAKE AMENDMENTS CONCERNING THE ADVISORY BUDGET COMMISSION AND OTHER BOARDS TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMITTEE ON SEPARATION OF POWERS, and the Speaker has ordered the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

H. B. 278
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 8, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on SCS for HCS for H. B. No. 278, A BILL TO BE ENTITLED AN ACT TO ENACT THE TAX ADJUSTMENT ACT OF 1983 to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

H. B. 905
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 8, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Com. Sub. to H. B. No. 905, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 7A OF THE GENERAL STATUTES BY ELIMINATING THE JUDICIAL COUNCIL, and requests conferees. The Speaker has appointed Representatives Beam, Hunter, and Helms, on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Jenkins moves that the President appoint conferees, which motion prevails. The President appoints Senators Jenkins, Swain, and Allsbrook as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 1221
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 8, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the

House has adopted the report of the conferees on SCS for HCS for H. B. No. 1221, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN LIMITED PARTNERSHIP DEBT OBLIGATIONS FROM THE APPLICATION OF THE STATE'S INTEREST LAWS, and the Speaker has ordered the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Staton:

S. B. 665, a bill to impose a tax on the production of oil and gas.
Referred to **Finance Committee.**

By Senator Plyler:

S. B. 667, a bill to permit employees of the State Employees' Credit Union the option of terminating membership in the Teachers' and State Employees' Retirement System.
Referred to **Pensions and Retirement Committee.**

By Senator White:

S. B. 668, a bill to appropriate funds to purchase land and building to house the Nursing and Allied Health Program — Pitt Community College.
Referred to **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 196 (House Committee Substitute), a bill to approve the Southeast Interstate Low-Level Radioactive Waste Management Compact, for concurrence in the House Committee Substitute bill.

On motion of Senator Walker, the rules are suspended (electronically recorded), and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Walker, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 621, a bill to amend Chapter 85B, relating to auctions and auctioneers, for concurrence in House Amendments Nos. 1 and 2 which is placed on the Calendar for Monday, July 11.

H. B. 720 (Committee Substitute), a bill to amend the notice requirements of G. S. 105-375.
Referred to **Special Ways and Means Committee.**

H. B. 1040, a bill to increase examination and license fees for insurance agents, adjusters, appraisers, brokers, and companies; bail bondsmen and runners; collection agencies; and motor clubs.

Referred to **Special Ways and Means Committee.**

H. B. 1189 (Committee Substitute), a bill to revise parts of Chapter 162A of the General Statutes relating to water and sewer authorities.

Referred to **Special Ways and Means Committee.**

H. B. 1330 (Committee Substitute), a bill to provide a method to establish that a notice of sale has been posted at the courthouse as recommended by the General Statutes Commission.

Referred to **Special Ways and Means Committee.**

H. B. 1366, a bill to amend the rule regarding depositions upon oral examination.

Referred to **Special Ways and Means Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 209 (Committee Substitute), a bill to amend the motor vehicle laws in Chapter 20 of the General Statutes to conform truck weights on State highways to the federal bridge formula and to update the Statute by making other changes, for concurrence in House Amendment Nos. 1, 2, 3, and 4.

On motion of Senator Harrington, the Senate concurs in House Amendments Nos. 1, 2, 3, and 4 (electronically recorded) and the Committee Substitute bill is ordered enrolled.

S. B. 217, a bill to permit members of the Teachers' and State Employees' Retirement System to purchase creditable service for temporary State employment by paying an amount equal to the full actuarial liability, for concurrence in House Amendment No. 1.

On motion of Senator Parnell, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

S. B. 270 (Committee Substitute), a bill to amend the Well Construction Act, G. S. 87-83 et seq., to provide for civil penalties and criminal penalties.

The Committee Substitute bill passes its second reading (electroncially recorded).

On objection of Senator Lawing to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 429, a bill to provide payment for attorneys or guardians *ad litem* for certain persons, for concurrence in House Amendments Nos. 1 and 2.

On motion of Senator Swain, the Senate concurs in House Amendments Nos. 1 and 2 (electronically recorded) and the bill is ordered enrolled.

S. B. 504 (House Committee Substitute), a bill to clarify the venue for the trial of felony offenses committed within the corporate limits of a municipality which lies within more than one county, for concurrence in the House Committee Substitute bill.

On motion of Senator Gray, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

S. B. 618, a bill to give the City of Eden authority to abolish the City of Eden Employees' Retirement System upon transfer of employees to the North Carolina Local

Governmental Employees' Retirement System, for concurrence in the House Amendment.

On motion of Senator Marvin, the Senate concurs in the House Amendment (electronically recorded) and the bill is ordered enrolled.

S. B. 663, a bill to clarify the condemnation powers of county water and sewer districts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 278 (Senate Committee Substitute), a bill to enact the Tax Adjustment Act of 1983, Conference Report for adoption, upon third reading.

The Conference Report is adopted, upon third reading, by roll-call vote, ayes 42, noes 4, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, and Winner—42.

Voting in the negative: Senators Allred, Ballenger, Kincaid, and Wright—4.

A message is ordered sent to the House of Representatives informing that Honorable Body that the Conference Report for **H. B. 278** has been adopted.

H. B. 315 (Senate Committee Substitute), a bill to strengthen laws regulating sales of alcoholic beverages.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 517 (Committee Substitute), a bill to revise the statutes relating to the State Auditor.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Hardison to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 524, a bill to repeal all administrative rules adopted under the A.P.A. and require their adoption by the General Assembly.

Senator Barnes of Wayne, seconded by Senator Marvin, offers a motion that the bill do lie upon the table.

Senator Royall, seconded by Senator Hardison, offers a motion that the Senate do now adjourn, which motion fails to prevail (electronically recorded).

The motion offered by Senator Barnes of Wayne that the bill do lie upon the table prevails (electronically recorded) and the bill lies upon the table.

Senator Barnes of Wayne, duly seconded, offers a motion that the vote by which the bill was tabled be reconsidered and further moves that that motion do lie upon the table, which motion prevails (electronically recorded).

H. B. 684 (Senate Committee Substitute No. 2), a bill to establish the crime of involuntary servitude.

Senator Martin offers Amendment No. 1 which fails of adoption (electronically recorded).

The Senate Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

H. B. 733 (Committee Substitute), a bill to provide for the licensing of facilities for the mentally ill, the mentally retarded and substance abusers.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 810, a bill to allow the Speaker of the House and the President of the Senate to authorize studies by standing committees and to create and appoint select committees of the General Assembly, as amended.

Senator Barnes of Wayne, seconded by Senator Walker, offers a motion that the bill, as amended, do lie upon the table, which motion prevails (electronically recorded) and the bill, as amended, lies upon the table.

Senator Barnes of Wayne, duly seconded, offers a motion that the vote by which the bill, as amended, was tabled be reconsidered and further moves that that motion do lie upon the table, which motion prevails (electronically recorded).

H. B. 1130, a bill to clarify the Rape Victim Assistance Program by specifying that ambulance and mental health counseling costs are covered and to provide approved kits for the collection of medical evidence in rape cases, upon third reading.

Senator Harris of Cleveland offers Amendment No. 1 which fails of adoption (electronically recorded).

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 1263, a bill authorizing nearby counties to join in the Bertie-Martin Regional Jail.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1277 (Committee Substitute), a bill to deny authority to Caswell Beach to exercise jurisdiction under Article 19 of Chapter 160A of the General Statutes over Fort Caswell.

On motion of Senator Hipps, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1306, a bill to permit payment of dividends for employer groups.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1319, a bill to make certain changes to various consumer protection statutes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. J. R. 1345, a joint resolution expressing the intent of the General Assembly concerning the revision of the Administrative Procedure Act and rules promulgated under that Act.

Senator Barnes of Wayne, seconded by Senator Jordan, offers a motion that the joint resolution do lie upon the table, which motion prevails (electronically recorded) and the joint resolution lies upon the table.

Senator Barnes of Wayne, duly seconded, offers a motion that the vote by which the joint resolution was tabled be reconsidered and further moves that that motion do lie upon the table, which motion prevails (electronically recorded).

H. B. 1354, a bill to amend the subpoena law relating to the production of documentary evidence.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1409, a bill to amend Chapter 600 of the Session Laws of 1983 concerning the date of the special election to incorporate the Town of Lynn.

On motion of Senator Hipps, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 157 (Committee Substitute), an act to authorize high school employees designated by the school board and appointed by the County Board of Elections to register voters. (Ch. 707)

S. B. 490, an act to permit deduction of certain employee contributions to qualified retirement plans. (Ch. 706)

S. B. 544 (House Committee Substitute), an act to exempt certain religious, nonprofit conference centers from the coverage of the wage and hour laws. (Ch. 708)

S. J. R. 585, a joint resolution recognizing and clarifying the policy of this State to afford the opportunity for mentally and developmentally disabled persons for adequate community support services. (Res. 43)

H. B. 278 (Senate Committee Substitute), an act to enact the Tax Adjustment Act of 1983. (Ch. 713)

H. B. 604 (Committee Substitute), an act to amend the statutes concerning various boards and commissions in the Department of Correction. (Ch. 709)

H. B. 1127 (Committee Substitute), an act to amend G. S. 143B-417 to provide that the Justices of the Supreme Court and Judges of the Court of Appeals be included among the offices to which student interns may be assigned. (Ch. 710)

H. B. 1167, an act setting a time limit for filing the final affidavit for administration of a small estate. (Ch. 711)

H. J. R. 1360, a joint resolution honoring the life and memory of John Coltrane. (Res. 44)

H. B. 1367, an act to correct a technical conflict between Chapter 567 and Chapter 561 of the Session Laws of 1983. (Ch. 712)

On motion of Senator Lawing, seconded by Senator Swain, the Senate adjourns to meet Monday at 7:30 P.M.

ONE HUNDRD TWENTY-EIGHTH DAY

SENATE CHAMBER,
Monday, July 11, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"We thank You, O God, for the rest and refreshment of the weekend past and pray that You will continue to watch over the women and men of this Senate as they continue the work begun here so many months ago. As we look ahead to the tasks remaining to be accomplished, we are aware that each of us has his own agenda, his own hopes and dreams for programs to be started and ideas to become laws. Do not take our dreams away from us, Lord. But help us to be open and sensitive to our neighbors' dreams. Grant us the ability to look critically at those things which are close to our heart and remind us that our neighbors' dreams are as precious to him as ours are to us. Above all, help us to submit our wills to Yours, knowing that Your agenda for us is the only one which can bring true greatness to this State. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Plyler and Harris of Cleveland for tomorrow, July 12 and to Senator Soles for tonight through Friday, July 11 through 15.

A leave of absence granted previously to Senator Daniels is noted.

The President recognizes the following pages serving in the Senate this week: Laurie Anderson, Raleigh; Leisa Braddy, New Bern; Tanji Bradley, Raleigh; Margo Carr, Raleigh; Hunter Coffey, Boone; Skipper Cooke, Raleigh; David Cooke, Asheboro; Sharon Davis, Gloucester; Jaime Ferebee, Raleigh; Anthony Geddie, Fayetteville; Ruffin Hall, Linden; Michele Hilliard, Elm City; Cheryl Holland, Raleigh; Leigh Lassiter, Dunn; Deidre McMullan, Charlotte; Jennifer Martin, Raleigh; Hampton Oxendine, Pembroke; Michele Peeples, Raleigh; Jessica Perry, Wake Forest; John Sneed, Mebane; Michael Sturgis, Lenoir; Angie Trogdon, Raleigh; Kim Wells, Youngsville; and Bart Yancey, Raleigh.

RECONSIDERATIONS

H. B. 524, a bill to repeal all administrative rules adopted under the A.P.A. and require their adoption by the General Assembly.

Senator Walker, seconded by Senator Rand, offers a motion as follows: "Mr. President and Members of the Senate, having voted on the prevailing side of the tabling of House Bill 524, I would like to make a motion to remove from the table the motion to reconsider."

Senator Barnes of Wayne rises to a point of order as follows: "Mr. President, Rule 24 says no question shall be reconsidered more than once,... Rule 10(b) requires if I rose to the exact point... we follow Jefferson's Manual. Mr. President,... I would quote... 'after a motion to reconsider has been laid on the table, a second motion to reconsider is not in order'... where it says the motion to reconsider may not be applied to a vote whereby the motion has been reconsidered and laid upon the table. Mr. President, I would suggest, subject to a ruling of the Chair, that the motion is out of order, since it could not be put..."

The President of the Senate rules as follows: "... Members of this Senate, I don't find a rule in this Senate Rules Book that specifically addresses the motion made by Senator Walker... I'm going to rule that if thirty-four Senators want to do whatever it is, I'm not going to tell you you can't... Now you have a perfect right to appeal the ruling of the Chair and that will take thrity-four votes."

Senator Lawing offers a motion as follows: "Mr. President, out of an abundance of caution so that there won't be any misunderstanding regarding the motion that Senator Walker made, I would like to enter a motion that the rules be suspended so that the motion that Senator Walker made would be in order," which motion prevails (electronically recorded).

The motion offered by Senator Walker prevails (electronically recorded).

On further motions of Senator Walker, the vote by which the bill was tabled is reconsidered (electronically recorded) and the bill is recommitted to the **Rules and Operation of the Senate Committee** (electronically recorded).

H. B. 810, a bill to allow the Speaker of the House and President of the Senate to authorize studies by standing committees and to create and appoint select committees of the General Assembly.

Senator Walker offers a motion that the rules be suspended, which motion prevails (electronically recorded).

Senator Walker offers a motion to remove from the table the motion to reconsider the vote by which the bill was placed upon the table, which motion prevails (electronically recorded).

On further motions of Senator Walker, the vote by which the bill was tabled is reconsidered (electronically recorded), and the bill is recommitted to the **Rules and Operation of the Senate Committee** (electronically recorded).

H. J. R. 1345, a joint resolution expressing the intent of the General Assembly concerning the revision of the Administrative Procedure Act and rules promulgated under that Act.

Senator Walker offers a motion that the rules be suspended, which motion prevails (electronically recorded).

Senator Walker offers a motion to remove from the table the motion to reconsider the vote by which the joint resolution was placed upon the table, which motion prevails (electronically recorded).

On further motions of Senator Walker, the vote by which the joint resolution was tabled

is reconsidered (electronically recorded), and the joint resolution is recommitted to the **Rules and Operation of the Senate Committee** (electronically recorded).

RE-REFERRAL

H. B. 541 (Committee Substitute), a bill to provide an income tax credit for the purchase of conservation tillage equipment for agriculture and forestry.

Without objection, the Chair orders the Committee Substitute bill taken from the **Appropriations Committee** and re-referred to the **Finance Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Education Committee:**

S. B. 397, a bill to upgrade the quality of elementary and secondary schools in North Carolina by revising the State's system of employment of instructional and supervisory personnel in the public schools, with an unfavorable report as to bill, but favorable as to Committee Substitute joint resolution.

On motion of Senator Speed, the rules are suspended and the Committee Substitute joint resolution, which changes the bill to a joint resolution and the title to read, **S. J. R. 397** (Committee Substitute), a joint resolution authorizing the Legislative Research Commission to study revising the State's system of employment of instructional and supervisory personnel in the public schools, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Committee Substitute joint resolution is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

By Senator Swain for the **Special Ways and Means Committee:**

H. B. 612 (Committee Substitute), a bill to revise the statutes relating to the Game Commission of Currituck County, with a favorable report.

H. B. 657 (Committee Substitute), a bill to protect the integrity of Swift Creek Township, with a favorable report.

On motion of Senator Speed, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H. B. 724, a bill to limit motorboat noise on various lakes, with a favorable report, as amended.

H. B. 1040, a bill to increase examination and license fees for insurance agents, adjusters, appraisers, brokers, and companies; bail bondsmen and runners; collection agencies; and motor clubs, with a favorable report.

On motion of Senator Speed, the bill is re-referred to the **Finance Committee.**

H. B. 1266, a bill to exempt certain trailer converters from the motor vehicle registration requirements, with a favorable report.

H. B. 1295 (Committee Substitute), a bill to provide for a sunset on boards or commissions created by executive order of the Governor, with a favorable report.

H. J. R. 1321, a joint resolution authorizing the Legislative Research Commission to study boards, commissions, and councils in the executive branch, with a favorable report.

On motion of Senator Speed, the joint resolution is re-referred to the **Appropriations Committee.**

H. J. R. 1334, a joint resolution authorizing the Legislative Research Commission to study the feasibility of a food distribution facility on the Dix Farm property in Raleigh, with a favorable report.

On motion of Senator Speed, the joint resolution is re-referred to the **Appropriations Committee.**

H. B. 1388, a bill to permit the County of Person to engage in certain community development activities, with a favorable report.

H. B. 1394, a bill to validate certain foreclosure sales, with a favorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 56
(Committee Substitute)

HOUSE OF REPRESENTATIVES
July 8, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with information that the House fails to concur in the two Senate amendments to Com. Sub. for H. B. No. 56, A BILL TO BE ENTITLED AN ACT TO AMEND THE SAFE DRIVER INSURANCE PLAN PROVISIONS BY INCREASING THE PROPERTY DAMAGE THRESHOLD FOR CHARGEABLE ACCIDENTS AND ELIMINATING SURCHARGES FOR CERTAIN SPEEDING TRAFFIC VIOLATIONS, and requests conferees. The Speaker has appointed Representatives Seymour, Beall, and Lee on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Jenkins moves that the President appoint conferees, which motion prevails. The President appoints Senators Jenkins, Rand, and Lawing as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Childers:

S. B. 669, a bill to provide nonprofit organizations with the alternative of providing a letter of credit as security for payments to the Employment Security Fund.

Referred to **Special Ways and Means Committee.**

Senator Thomas of Craven moves that the rules be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Thomas of Craven:

S. B. 671, a bill to allow certain additional deputy sheriffs in Carteret County to purchase automobiles from State surplus.

On motion of Senator Thomas of Craven, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 626 (Committee Substitute), a bill relating to the Gaston County Police Department.

Referred to **Finance Committee.**

H. B. 645 (Committee Substitute No. 2), a bill to recodify the public hospital laws in Chapters 131 and 131B and in portions of Chapter 130 of the General Statutes.

Referred to **State Government Committee.**

H. B. 882, a bill to repeal Chapter 331 of the Session Laws of 1981 concerning the Mecklenburg County Alcoholic Beverage Control Board.

Referred to **Special Ways and Means Committee.**

H. J. R. 1385, a joint resolution honoring the life and memory of Claude DeBruhl.

On motion of Senator Swain, the rules are suspended (electronically recorded), and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution, passes its second (electronically recorded) and third readings and is ordered enrolled.

H. J. R. 1411, a joint resolution honoring the life and memory of Julian Hawley Poole, a former member of the General Assembly.

On motion of Senator Hunt, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1433, a bill to amend the law regarding Person County's acquisition of property by eminent domain for airport purposes.

Referred to **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 553, a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as registered practicing counselors: creating a State board of examiners for practicing counselors: defining the functions and duties

of that board: and providing for penalties, for concurrence in the House Committee Substitute bill which changes the title to read, **S. B. 553** (House Committee Substitute), a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as registered practicing counselors: creating a State board of examiners for registered practicing counselors: defining the functions and duties of that board: and providing for penalties.

Referred to **Special Ways and Means Committee.**

H. B. 571 (Committee Substitute), a bill to amend the Charter of the City of Raleigh to permit payments in lieu of dedication of land or actual construction of required improvements in the approval of subdivisions.

Referred to **Special Ways and Means Committee.**

H. B. 1343, a bill to protect artists' rights in artwork on consignment.

Referred to **Special Ways and Means Committee.**

H. B. 1353 (Committee Substitute), a bill to amend G. S. 115C-72 relating to the consolidation of districts and discontinuance of schools.

Referred to **Special Ways and Means Committee.**

H. B. 1363, a bill to abolish certain committees and commissions under the Department of Cultural Resources.

Referred to **Special Ways and Means Committee.**

H. B. 1374 (Committee Substitute), a bill to amend the *prima facie* evidence rule for enforcement of parking regulations.

Referred to **Special Ways and Means Committee.**

H. B. 1382, a bill to permit employees of the State Employees' Credit Union the option of terminating memberhsip in the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee.**

H. B. 1384, a bill to restrict the use of the list of licensed drivers to jury selection purposes only.

Referred to **Special Ways and Means Committee.**

H. B. 1398, a bill to require an applicant for appointment of a receiver to furnish a bond payable to the adverse party.

Referred to **Special Ways and Means Committee.**

H. B. 1419 (Committee Substitute), a bill to prohibit use of borrowers' insurance information by lenders except for the extension of credit.

Referred to **Banking Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 270 (Committee Substitute), a bill to amend the Well Construction Act, G. S. 87-83 et seq., to provide for civil penalties and criminal penalties, upon third reading.

Senator Hancock offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

July 11, 1983

S. B. 503 (Committee Substitute), a bill to amend the time of execution of persons sentenced to death.

On motion of Senator Allsbrook, consideration of the Committee Substitute bill is postponed until Wednesday, July 13.

S. B. 514 (Committee Substitute), a bill to amend G. S. 14-322 to permit garnishment of up to forty percent of wages for willful failure to provide child support.

On motion of Senator Marvin, Committee Amendment No. 1 is adopted, changing the title to read, **S. B. 514** (Committee Substitute), a bill to amend G. S. 110-36 to permit garnishment of up to forty percent of wages for willful failure to provide child support.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. J. R. 613 (Committee Substitute), a joint resolution of the intent of the General Assembly to be involved in the use of funds through the Job Training Partnership Act.

The Committee Substitute joint resolution passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 621, a bill to amend Chapter 85B, relating to auctions and auctioneers, for concurrence in House Amendments Nos. 1 and 2.

Senator Hancock moves that the Senate do not concur in House Amendments Nos. 1 and 2 and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Hancock, Lawing, and Marvin as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 631 (Committee Substitute), a bill to amend the Constitution to expand the punishments for conviction of a crime, upon second reading.

Having received a three-fifths majority vote, the Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—47.

Voting in the negative: Senator Martin—1.

The Committee Substitute bill remains on the Calendar upon third reading.

S. B. 640 (Committee Substitute), a bill to license locksmiths.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Barnes of Wayne to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 658, a bill to amend Chapters 58 and 66 of the General Statutes to allow for limited licensing of motor club sales agents to provide insurance.

Senator Tison offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 517 (Committee Substitute), a bill to revise the statutes relating to the State Auditor, upon third reading.

On motion of Senator Royall, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H. B. 642 (Senate Committee Substitute), a bill to clarify State responsibility for jailer training and certification.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 709 (Senate Committee Substitute), a bill to establish the Alarm Systems Licensing Act, upon second reading.

On motion of Senator Rauch, consideration of the Senate Committee Substitute bill is postponed until Tuesday, July 12.

H. B. 954 (Senate Committee Substitute), a bill to regulate the purchase of Mutual Burial Associations.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1117 (Senate Committee Substitute), a bill to amend the North Carolina Securities Act.

Senator Tison offers Amendment No. 1 which is adopted (electronically recorded).

Senator Johnson offers Amendment No. 2 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Hardison to its third reading, the Senate Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 1191 (Senate Committee Substitute), a bill to exempt private homes offering bed and breakfast accommodations from the food and lodging requirements of the public health laws and to authorize the Health Services Commission to adopt rules by July 1, 1984.

Senator Harris of Cleveland offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1331 (Committee Substitute), a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

Senator Swain offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1 and 2.

H. B. 1401 (Senate Committee Substitute), a bill providing that the Henderson County jail shall be operated as provided by the General Statutes.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 196 (House Committee Substitute), an act to approve the Southeast Interstate Low-Level Radioactive Waste Management Compact. (Ch. 714)

S. B. 209 (Committee Substitute), an act to amend the motor vehicle laws in Chapter 20 of the General Statutes to conform truck weights on State highways to the federal bridge formula and to update the statute by making other changes. (Ch. 724)

S. B. 217, an act to permit members of the Teachers' and State Employees' Retirement System to purchase creditable service for temporary State employment by paying an amount equal to the full actuarial liability. (Ch. 725)

S. B. 429, an act to provide payment for attorneys or guardians *ad litem* for certain persons. (Ch. 726)

S. B. 504 (House Committee Substitute), an act to clarify the venue for the trial of felony offenses committed within the corporate limits of a municipality which lies within more than one county. (Ch. 727)

S. B. 618, an act to give the City of Eden authority to abolish the City of Eden Employees' Retirement System upon transfer of employees to the North Carolina Local Governmental Employees' Retirement System. (Ch. 723)

H. B. 53 (Senate Committee Substitute), an act to make amendments concerning the Advisory Budget Commission and other boards to implement the recommendations of the Committee on Separation of Powers. (Ch. 717)

H. B. 733 (Committee Substitute), an act to provide for the licensing of facilities for the mentally ill, the mentally retarded and substance abusers. (Ch. 718)

H. B. 1130, an act to clarify the Rape Victim Assistance Program by specifying that ambulance and mental health counseling costs are covered and to provide approved kits for the collection of medical evidence in rape cases. (Ch. 715)

H. B. 1221 (Senate Committee Substitute), an act to exempt certain limited partnership debt obligations from the application of the State's interest laws. (Ch. 719)

H. B. 1260, an act to make technical conforming changes in the rape indictment statute as a result of Chapter 175 of the Session Laws of 1983. (Ch. 720)

H. B. 1263, an act authorizing nearby counties to join in the Bertie-Martin Regional Jail. (Ch. 716)

H. B. 1306, an act to permit payment of dividends for employer groups. (Ch. 728)

H. B. 1319, an act to make certain changes to various consumer protection statutes. (Ch. 721)

H. B. 1354, an act to amend the subpoena law relating to the production of documentary evidence. (Ch. 722)

On motion of Senator Lawing, seconded by Senator Barnes of Wayne, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED TWENTY-NINTH DAY

SENATE CHAMBER,
Tuesday, July 12, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend W. Royster Martin, Minister of Holly Springs Free Will Baptist Church, Kenly, as follows:

"Almighty God, Creator of the universe and all things therein, we beseech Thee this day to accept our thanks and praise for all the blessings Thou has given us.

"As we come before these legislators, we ask Your guidance in all their transactions. Bless them in their deliberations that all actions will be beneficial to the people of this great State.

"We ask that Thou would bless each person who presides over these bodies, that Thou would give them the grace to rule well.

"Help us through sound teaching to give our youth the opportunity to follow in the trails that have been blazed for them, that they might be God-fearing leaders of tomorrow.

"We beseech Thee for a wider relationship, that we may grow stronger in spirit and give to the world deep, abiding values for ourselves and those who will follow.

"In the Name of Christ, we do humbly ask, Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Leaves of absence granted previously to Senators Daniels, Soles, Plyler, and Harris of Cleveland are noted.

Senator White and Plyler are noted present for a portion of today's Session.

On motion of Senator Martin, the rules are suspended to allow Miss North Carolina of 1983, Deneen Z. Graham, to approach the Well of the Senate where she makes a brief statement.

RECONSIDERATION

S. B. 514 (Committee Substitute), a bill to amend G. S. 110-36 to permit garnishment of up to forty percent of wages for willful failure to provide child support.

Senator Marvin offers a motion that the Committee Substitute bill be recalled from the Engrossing Office, which motion prevails (electronically recorded).

Senator Marvin moves that the vote by which the Committee Substitute bill, as amended, passed its third reading be reconsidered, which motion prevails.

The Committee Substitute bill, as amended, remains on the Calendar for today, upon third reading.

RE-REFERRAL

H. B. 1419 (Committee Substitute), a bill to prohibit use of borrowers' insurance information by lenders except for the extension of credit.

Without objection, the Chair orders the bill taken from the **Banking Committee** and re-referred to the **Special Ways and Means Committee.**

CONFERENCE REPORT

H. B. 56 (Committee Substitute)

Senator Jenkins, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 56** (Committee Substitute), a bill to amend the safe driver insurance plan provisions by increasing the property damage threshold for chargeable accidents and eliminating surcharges for certain speeding traffic violations, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the House Committee Substitute for House Bill 56 (Second Edition), A BILL TO BE ENTITLED AN ACT TO AMEND THE SAFE DRIVER INSURANCE PLAN PROVISIONS BY INCREASING THE PROPERTY DAMAGE THRESHOLD FOR CHARGEABLE ACCIDENTS AND ELIMINATING SURCHARGES FOR CERTAIN SPEEDING TRAFFIC VIOLATIONS, wish to report as follows: The Conference Committee recommends that the differences between the Senate and House of Representatives regarding the House Committee Substitute for House Bill 56 (Second Edition) be resolved by the adoption of the text attached to this CONFERENCE REPORT.

To this end the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of July, 1983.

CECIL R. JENKINS, JR.	MARY P. SEYMOUR
W. CRAIG LAWING	CHARLES W. BEALL
ANTHONY E. RAND	HUGH LEE
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

The text attached to the Conference Report on **H. B. 56** is as follows:

AN ACT TO AMEND THE SAFE DRIVER INSURANCE PLAN PROVISIONS BY INCREASING THE PROPERTY DAMAGE THRESHOLD FOR CHARGEABLE ACCIDENTS AND ELIMINATING SURCHARGES FOR CERTAIN SPEEDING TRAFFIC VIOLATIONS.

The General Assembly of North Carolina enacts:

Section 1. Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 50-30.5. **Major and minor chargeable accidents and certain speeding traffic violations under the Safe Driver Insurance Plan.** — (a) The subclassification plan promulgated pursuant to G. S. 58-30.4 shall provide for separate surcharges for major chargeable accidents and minor chargeable accidents. 'Major chargeable accident' means a chargeable accident that results in (a) bodily injury or death or (b) damage in excess of five hundred dollars ($500.00) to any combination of (i) property not owned by the applicant nor by any current resident operator and (ii) his motor vehicle. 'Minor chargeable accident' means a chargeable accident that results in damage of five hundred dollars ($500.00) or less of any combination of (i) property not owned by the applicant nor by any current resident operator and (ii) his motor vehicle.

(b) The subclassification plan shall provide that with respect to a conviction for a 'violation of speeding 10 miles per hour or less over the speed limit' there shall be no premium surcharge nor any assessment of points unless there is a driving record consisting of a conviction or convictions for a moving traffic violation or violations during the three years immediately preceding the date of application or the preparation of the renewal.

(c) The North Carolina Rate Bureau shall promulgate a revised subclassification plan to reflect the provisions of this section. Such plan shall be subject to the filing, hearing, disapproval, review, and appeal procedures before the Commissioner and the courts as provided for rates and classification plans in G. S. 58-124.20, 58-124.21, and 58-124.22. The Bureau shall make a filing no later than September 1, 1983, and such plan so promulgated shall become effective January 1, 1984. Such plan shall apply only to chargeable accidents and violations of speeding 10 miles per hour or less over the speed limit that occur on or after Janurary 1, 1984. With respect to any chargeable accidents or violations of speeding 10 miles per hour or less over the speed limit occurring prior to January 1, 1984, the surcharge and period for which such surcharge is applied and collected shall be determined by the subclassification plan in effect at the time such chargeable accident or violation of speeding 10 miles per hour or less over the speed limit occurs.

(d) For the purposes of subsections (b) and (c) of this section, a 'violation of speeding 10 miles per hour or less over the speed limit' does not include the offense of speeding in a school zone in excess of the posted school zone speed limit.

(e) Any adjustments in rates for nonfleet passenger motor vehicle insurance to offset any reduction in premium level due to the implementation of the provisions of this section shall be made through adjustments to the base rates for the affected coverages. Such adjustments shall be filed by the Bureau with the Commissioner in accordance with the standards and procedures of Articles 12B and 25A of this Chapter. In no event shall such adjustments be deemed to be changes in the total combined general rate level within the meaning of G. S. 58-124.26."

Sec. 2. The catch line of G. S. 58-30.4 is amended by changing the period to a semicolon and by adding the following: **"Safe Driver Insurance Plan."**

Sec. 3. G. S. 58-30.4 is amended by rewriting the sentence that begins on line 17 with the word "The" to read: "The subclassification plan to be effective January 1, 1984, shall provide that in a policy insuring more than one motor vehicle, driving record premium

surcharges for chargeable accidents and moving traffic violations shall be distributed equally among the motor vehicles so insured."

Sec. 4. This act is effective upon ratification.

Without objection, on motion of Senator Jenkins, the Conference Report, having been submitted, is placed on the Calendar for Wednesday, July 13, for adoption.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hancock, Vice-Chairman, for the **Judiciary II Committee:**

H. B. 21 (Committee Substitute), a bill to remove the defenses of unlawful arrest in cases of resisting arrest by use of a deadly weapon or deadly force, with a favorable report.

H. B. 717 (Committee Substitute), a bill to raise the penalties for tax evasion, with a favorable report, as amended.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 569, a bill to provide that the right to file or claim certain statutory liens on real property may not be waived and to create a statutory trust for subcontractors and material suppliers, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 569** (Committee Substitute), a bill to provide that the right to file or claim certain statutory liens on real property may not be waived, is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, July 13.

By Senator Swain for the **Special Ways and Means Committee:**

S. B. 553 (House Committee Substitute), a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as registered practicing counselors: creating a State board of examiners for registered practicing counselors: defining the functions and duties of that board: and providing for penalties, with a favorable report as to concurrence in the House Committee Substitute bill.

S. B. 669, a bill to provide nonprofit organizations with the alternative of providing a letter of credit as security for payments to the Employment Security Fund, with a favorable report.

H. B. 1326 (Committee Substitute), a bill to allow a limited driving privilege upon conviction of speeding violations, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, July 13.

H. B. 1353 (Committee Substitute), a bill to amend G. S. 115C-72 relating to the consolidation of districts and discontinuance of schools, with a favorable report.

H. B. 1363, a bill to abolish certain committees and commissions under the Department of Cultural Resources, with an unfavorable report.

H. B. 1369, a bill to enlarge the Mooresville City School District, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **State Government Committee.**

H. B. 1371, a bill to allow certain housing authorities to engage in moderate income housing, with a favorable report.

H. B. 1374 (Committee Substitute), a bill to amend the *prima facie* evidence rule for enforcement of parking regulations, with a favorable report.

H. B. 1384, a bill to restrict the use of the list of licensed drivers to jury selection purposes only, with a favorable report.

H. B. 1387, a bill to prevent drift hunting on Swift Creek in Edgecombe County, with a favorable report.

H. B. 1400, a bill to clarify the provisions of the fair employment and dismissal act, with a favorable report, as amended.

H. B. 1402, a bill to allow the City of Wilson to sell industrial property, with a favorable report.

By Senator Hancock for the **State Government Committee:**

H. B. 645 (Committee Substitute No. 2), a bill to recodify the public hospital laws in Chapters 131 and 131B and in portions of Chapter 130 of the General Statutes, with a favorable report.

On motion of Senator Hancock, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Calendar for consideration, upon second reading.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 141
(House Committee Substitute)

HOUSE OF REPRESENTATIVES
July 12, 1983

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Com. Sub. to S. B. No. 141, A BILL TO BE ENTITLED AN ACT TO REWRITE THE PUBLIC HEALTH LAWS, the Speaker has appointed as conferees on the part of the House, Representatives B. Woodard, Chairman; Bob Etheridge, Hunter, Beam, Varner, Quinn, Grimsley, and Hackney to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/ GRACE COLLINS
Prinicpal Clerk

July 12, 1983

S. B. 621

HOUSE OF REPRESENTATIVES
July 12, 1983

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment Nos. 1 & 2 to S. B. 621, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 85B, RELATING TO AUCTION AND AUTIONEERS, the Speaker has appointed as conferees on the part of the House, Representatives Church, DeVane, and Evans to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

H. B. 56
(Committee Substitute)

HOUSE OF REPRESENTATIVES
July 12, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Com. Sub. for H. B. No. 56, A BILL TO BE ENTITLED AN ACT TO AMEND THE SAFE DRIVER INSURANCE PLAN PROVISIONS BY INCREASING THE PROPERTY DAMAGE THRESHOLD FOR CHARGEABLE ACCIDENTS AND ELIMINATING SURCHARGES FOR CERTAIN SPEEDING TRAFFIC VIOLATIONS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Walker:

S. J. R. 670, a joint resolution authorizing the Legislative Research Commission to study solar law.
Referred to **Special Ways and Means Committee.**

By Senator Hipps:

S. B. 672, a bill appropriating money for Mountain Youth Resources, Inc.
Referred to **Appropriations Committee.**

By Senator Warren:

S. B. 673, a bill to appropriate funds to the Johnston Technical Institute for the construction of a Computer Technology-Data Processing Center.
Referred to **Appropriations Committee.**

By Senator Warren:

S. B. 674, a bill to appropriate funds to Sampson Technical College to house and expand programs in electronics engineering technology and electronics data processing technology.

Referred to **Appropriations Committee.**

By Senators Woodard, Gray, Hancock, Marvin, Tally, and Ward:

S. J. R. 675, a joint resolution to permit the Legislative Research Commission to study child support and how to establish more effective and efficient procedures to insure its collection.

Referred to **Special Ways and Means Committee.**

By Senators Plyler, Alford, Hipps, Jenkins, Lawing, Redman, Swain, and Thomas of Henderson:

S. B. 676, a bill regarding security interests in certain livestock.

Referred to **Special Ways and Means Committee.**

Senator Duncan moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Duncan:

S. B. 677, a bill to appropriate funds for land for a Western Rockingham County High School.

Referred to **Appropriations Committee.**

Senator Alford moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Alford:

S. B. 678, a bill to appropriate funds for equipment for the Eastern North Carolina School for the Deaf.

Referred to **Appropriations Committee.**

Senator Marion moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Marion and Duncan:

S. B. 679, a bill to appropriate funds for an animal disease diagnostic laboratory in northwestern North Carolina.

Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 14, a bill to eliminate mandatory retirement at age 70 for persons covered under the State Employees or Local Government Employees Retirement System, for concurrence in House Amendments Nos. 1 and 2.

Referred to **State Government/Senior Citizens Committee.**

S. B. 608, a bill to validate certain recorded maps and plats, for concurrence in House Amendment No. 1, which is placed on the Calender for tomorrow, July 13.

H. B. 596 (Committee Substitute), a bill authorizing an injured party to testify as to medical charges.
Referred to **Special Ways and Means Committee.**

H. B. 1090, a bill to limit the operation in North Carolina of trucks with two trailers and increased lengths and widths mandated by federal law and to conform the North Carolina law to federal requirements.
Referred to **Ways and Means Committee.**

H. B. 1356 (Committee Substitute), a bill to create the crime of abusing, neglecting or exploiting a disabled adult.
Referred to **Special Ways and Means Committee.**

H. B. 1365 (Committee Substitute), a bill to amend the powers and duties of the Utilities Commission.
Referred to **Special Ways and Means Committee.**

H. B. 1380, a bill to recognize that the sun has set and night should fall on the Law Enforcement Officers' Minimum Salary Act.
Referred to **Special Ways and Means Committee.**

H. B. 1383, a bill concerning inactive hazardous substance disposal sites.
Referred to **Special Ways and Means Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 514 (Committee Substitute), a bill to amend G. S. 110-36 to permit garnishment of up to forty percent of wages for willful failure to provide child support, upon third reading.
Senator Marvin offers Amendment No. 2 to amend Amendment No. 1, which is adopted (electronically recorded), changing the title to read **S. B. 514,** (Committee Substitute), a bill to amend G. S. 110-136 to permit garnishment of up to forty percent of wages for willful failure to provide child support.
The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 631 (Committee Substitute), a bill to amend the Constitution to expand the punishments for conviction of a crime, upon third reading.
Having received a three-fifths majority vote, the Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 1, as follows:
Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Ward, Warren, Winner, Woodard, and Wright—42.

Voting in the negative: Senator Walker—1.

The Committee Substitute bill is ordered sent to the House of Representatives.

S. B. 640 (Committee Substitute), a bill to license locksmiths, upon third reading.

On motion of Senator Barnes of Forsyth, the Committee Substitute bill is re-referred to the **Judiciary III Committee** (electronically recorded).

H. B. 612 (Committee Substitute), a bill to revise the statutes relating to the Game Commission of Currituck County.

The Committee Substitute bill passes its second and third readings.

Senator Swain moves that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails (electronically recorded).

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 645 (Committee Substitute No. 2), a bill to recodify the public hospital laws in Chapters 131 and 131B and in portions of Chapter 130 of the General Statutes, upon second reading.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Ward, Warren, and Winner—40.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, remains on the Calendar, upon third reading.

H. B. 709 (Senate Committee Substitute), a bill to establish the Alarm Systems Licensing Act, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Redman, Royall, Speed, Staton, Swain, Tally, Tison, Walker, Ward, Warren, Winner, and Wright—37.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar, upon third reading.

H. B. 724, a bill to limit motorboat noise on various lakes.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1117 (Senate Committee Substitute), a bill to amend the North Carolina Securities Act, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1266, a bill to exempt certain trailer converters from the motor vehicle registration requirements.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1295 (Committee Substitute), a bill to provide for a sunset on boards or commissions created by executive order of the Governor.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1388, a bill to permit the County of Person to engage in certain community development activities.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1394, a bill to validate certain foreclosure sales.

The bill passes its second and third readings (electronically recorded) and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 628, an act to give the State Board of Elections a longer period of time to determine nominees for the presidential primary. (Ch. 729)

H. B. 776 (Senate Committee Substitute), an act to make miscellaneous changes in local laws affecting Orange County. (Ch. 730)

H. B. 1003 (Committee Substitute), an act to provide that if property owned by a local board of education is no longer suitable or necessary for public school purposes, the board of county commissioners has the first opportunity to purchase. (Ch. 731)

H. J. R. 1385, a joint resolution honoring the life and memory of Claude DeBruhl. (Res. 45)

H. J. R. 1411, a joint resolution honoring the life and memory of Julian Hawley Poole, a former member of the General Assembly. (Res. 46)

On motion of Senator Lawing, seconded by Senator Rauch, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED THIRTIETH DAY

SENATE CHAMBER,
Wednesday, July 13, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Dr. Paul Corts, President of Wingate College, Wingate.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator White for today.

Leaves of absence granted previously to Senators Daniels and Soles are noted.

The President of the Senate extends courtesies of the floor to I. Beverly Lake, former Senator from Wake County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 315, an act regarding inspections of fire-damaged property with an inspection warrant. (Ch. 739)

S. B. 663, an act to clarify the condemnation powers of county water and sewer districts. (Ch. 735)

S. B. 671, an act to allow certain additional deputy sheriffs in Carteret County to purchase automobiles from State surplus. (Ch. 736)

H. B. 1266, an act to exempt certain trailer converters from the motor vehicle registration requirements. (Ch. 732)

H. B. 1295 (Committee Substitute), an act to provide for a sunset on boards or commissions created by executive order of the Governor. (Ch. 733)

H. B. 1344, an act to amend qualifications for licensure for nursing home administrators. (Ch. 737)

H. B. 1388, an act to permit the County of Person to engage in certain community development activities. (Ch. 734)

H. B. 1394, an act to validate certain foreclosure sales. (Ch. 738)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris of Cleveland for the **Human Resources Committee:**

H. B. 688 (Senate Committee Substitute), a bill to amend the licensing of domiciliary homes for the aged and disabled and the Domiciliary Bill of Rights, with a favorable report, as amended.

By Senator Marvin for the **Judiciary II/Constitutional Amendments Committee:**

H. B. 909, a bill to amend Article V of the Constitution of North Carolina to authorize

the General Assembly to create an agency to issue revenue bonds to finance agricultural facilities projects, subject to the approval of the electorate, with a favorable report.

On motion of Senator Marvin, the rules are suspended and the bill is placed on today's Calendar for consideration (electronically recorded).

By Senator Barnes of Wayne for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

H. B. 452, a bill to permit the limited expansion of the prison enterprise laundry operations, with an unfavorable report.

By Senator Plyler for the **Pensions and Retirement Committee:**

H. B. 1302, a bill to permit certain employees of the Charlotte Fire Department to purchase credit in the Charlotte Firemen's Retirement System for prior service as fire officers, with a favorable report.

H. B. 1382, a bill to permit employees of the State Employees' Credit Union the option of terminating membership in the Teachers' and State Employees' Retirement System, with a favorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. B. 519, a bill to clarify the provision for filing of insurance rates, with a favorable report.

H. B. 524, a bill to repeal all administrative rules adopted under the A.P.A. and require their adoption by the General Assembly, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Lawing, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 524** (Senate Committee Substitute), a bill to repeal all administrative rules adopted under the A.P.A. absent approval by the General Assembly and to repeal G. S. 143B-153.1, is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Jordan, the Senate Committee Substitute bill remains on the Calendar for today for further consideration (electronically recorded).

H. B. 810, a bill to allow the Speaker of the House and the President of the Senate to authorize studies by standing committees and to create and appoint select committees of the General Assembly, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Lawing, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 810** (Senate Committee Substitute), a bill to establish the Governor's Administrative Rules Review Commission, is placed before the Senate for immediate consideration.

On motion of Senator Lawing, the Senate Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

H. J. R. 1211, a joint resolution memorializing the Congress to pass emergency legislation to open up the treacherous channel at Oregon Inlet, with a favorable report.

H. B. 1253, defining legislative bribery and consolidating the statutes relating thereto, with a favorable report.

H. J. R. 1345, a joint resolution expressing the intent of the General Assembly concerning the revision of the Administrative Procedure Act and rules promulgated under that Act, with an unfavorable report as to joint resolution, but favorable as to Senate Committee Substitute joint resolution.

On motion of Senator Lawing, the rules are suspended and the Senate Committee Substitute joint resolution which changes the title to read, **H. J. R. 1345** (Senate Committee Substitute), a joint resolution authorizing the General Assembly to study the Administrative Procedure Act and to review rules currently in effect, is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute joint resolution is adopted.

On motion of Senator Jordan, the Senate Committee Substitute joint resolution remains on the Calendar for today for further consideration (electronically recorded).

By Senator Swain for the **Special Ways and Means Committee:**

S. J. R. 670, a joint resolution authorizing the Legislative Research Commission to study solar law, with a favorable report, as amended.

On motion of Senator Swain, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The joint resolution, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S. J. R. 675, a joint resolution to permit the Legislative Research Commission to study child support and how to establish more effective and efficient procedures to insure its collection, with a favorable report.

On motion of Senator Swain, the joint resolution is re-referred to the **Appropriations Committee.**

S. B. 676, a bill regarding security interests in certain livestock, with a favorable report.

H. B. 596 (Committee Substitute), a bill authorizing an injured party to testify as to medical charges, with a favorable report.

H. B. 1380, a bill to recognize that the sun has set and night should fall on the Law Enforcement Officers' Minimum Salary Act, with a favorable report.

CONFERENCE REPORT

S. B. 621

Senator Lawing, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 621,** a bill to amend Chapter 85B, relating to auctions and auctioneers, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 621, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 85B, RELATING TO AUCTIONS AND AUCTIONEERS wish to report as follows: The Senate concurs in House Amendments #1 and #2.

July 13, 1983

The bill is further amended on page 3, line 21, by deleting "July 1, 1983", and inserting in lieu thereof "August 1, 1983".

To this end the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of July, 1983

W. CRAIG LAWING	JOHN T. CHURCH
HELEN RHYNE MARVIN	CHARLES D. EVANS
W. GERRY HANCOCK, JR.	
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

On motion of Senator Lawing, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Edwards of Caldwell:

S. B. 680, a bill to authorize the Legislative Research Commission to study the adequacy of Chapter 44A of the North Carolina General Statutes, as it relates to ensuring payments to mechanics, laborers and materialmen.
Referred to **Appropriations Committee.**

By Senators Hunt and Speed:

S. B. 681, a bill relating to bail bond forfeitures.
Referred to **Special Ways and Means Committee.**

By Senators Hunt and Speed:

S. B. 682, a bill to prohibit possession and consumption of malt beverages and unfortified wine on public school property.
Referred to **Special Ways and Means Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 475 (Committee Substitute), a bill to clarify what information is sufficient to constitute "satisfactory proof of loss because of the death." for concurrence in the House Committee Substitute bill which changes the title to read, **S. B. 475** (House Committee Substitute), a bill to clarify what information may be used for proof of loss under life insurance policies.
Referred to **Special Ways and Means Committee.**

H. B. 738 (Committee Substitute), a bill to provide for strict liability for damages resulting from hazardous wastes in North Carolina.
Referred to **Special Ways and Means Committee.**

H. B. 1069 (Committee Substitute), a bill to authorize the Legislative Research Commission to study extension of the Readable Insurance Policies Act to all lines of insurance.
Referred to **Special Ways and Means Committee.**

H. B. 1129 (Committee Substitute), a bill to include vested pension or retirement rights in marital property for purposes of equitable distribution.
Referred to **Pensions and Retirement Committee.**

H. B. 1143 (Committee Substitute), a bill to provide fair discovery to defendants in criminal prosecutions.
Referred to **Special Ways and Means Committee.**

H. B. 1403, a bill to amend Chapter 58 and 66 of the General Statutes to allow for limited licensing of motor club sales agents to provide insurance.
Referred to **Special Ways and Means Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 621

HOUSE OF REPRESENTATIVES
July 12, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on S. B. No. 621, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 85B, RELATING TO AUCTION AND AUCTIONEERS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

The bill is ordered enrolled.

RE-REFERRALS

H. B. 489 (Committee Substitute), a bill to define the conditions under which certain bingo games and raffles are lawful.
On motion of Senator Jenkins the Committee Substitute bill is taken from the **Special Ways and Means Committee** and re-referred to the **Finance Committee.**

H. B. 717 (Committee Substitute), a bill to raise the penalties for tax evasion.
On motion of Senator Hancock, the Committee Substitute bill is taken from today's Calendar and recommitted to the **Judiciary II Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported, out of the regular order of business, from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee:**

S. B. 23, a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, with amendments.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill, is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Committee Substitute bill, is adopted (electronically recorded), and on his further motion remains on the Calendar for today for further consideration.

S. B. 22, a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Committee Substitute bill is adopted (electronically recorded), and on his further motion remains on the Calendar for today for further consideration.

The Chair declares the Senate in recess until 3:45 P.M. for the purpose of committee meetings.

AFTERNOON SESSION — 3:45 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee:**

S. B. 416, a bill to remove the sales tax on death certificates, with a favorable report.

S. B. 555, a bill establishing regulation of and the licensing of the practice of geology and to establish the qualifications, training and experience for persons seeking to represent themselves to the public as geologists; creating a State board for licensing of geologists; defining the functions and duties of that board; and providing for penalties, with a favorable report, as amended.

H. B. 230 (Committee Substitute), a bill to provide an income tax credit for certain real properties donated for conservation purposes, with a favorable report, as amended.

H. B. 322 (Committee Substitute), a bill authorizing the Department of Human Resources to designate geographic areas within which a solid waste management plan will provide for the collection and disposal of solid waste; requiring waste generated within said areas to be disposed of at permitted solid waste management facilities; authorizing cities and counties to evaluate proposals and negotiate contracts on the basis of factors other than price alone; and expanding the powers of municipalities with respect to the

issuance of revenue bonds for systems, facilities and equipment for the collection, treatment or disposal of solid waste, with a favorable report.

On motion of Senator Lawing, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration, upon second reading.

H. B. 910 (Committee Substitute), a bill creating the North Carolina Agricultural Facilities Finance Agency and authorizing said agency to finance the construction, acquisition and development of agricultural facilities, with a favorable report.

H. B. 945, a bill concerning the reporting of certain transactions in United States currency, with a favorable report, as amended.

H. B. 1040, a bill to increase examination and license fees for insurance agents, adjusters, appraisers, brokers, and companies; bail bondsmen and runners; collection agencies; and motor clubs, with a favorable report.

By Senator Jenkins for the **Insurance Committee:**

H. B. 60 (Committee Substitute), a bill to clarify the law concerning underinsured motorist coverage, with a favorable report.

By Senator Plyler for the **Pensions and Retirement Committee:**

H. B. 1129 (Committee Substitute), a bill to include vested pension or retirement rights in marital property for purposes of equitable distribution, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration.

By Senator Swain for the **Special Ways and Means Committee:**

S. B. 644, a bill to include persons performing court-ordered community service under workers' compensation and to immunize local government units for their torts, with a favorable report, as amended.

H. B. 1143 (Committee Substitute), a bill to provide fair discovery to defendants in criminal prosecutions, with a favorable report, as amended.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Swain, the Committee Substitute bill, as amended, remains on the Calendar for today.

H. B. 1314 (Committee Substitute), a bill to authorize cities to sell property in community development programs to redevelopers at private sale, with a favorable report, as amended.

H. B. 1343, a bill to protect artists' rights in artwork on consignment, with a favorable report, as amended.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1420, a bill to allow cities to levy property taxes for drainage programs.
Referred to **Special Ways and Means Committee:**

H. B. 1443, a bill to establish the Butner Fire and Police Protection District.
Referred to **Special Ways and Means Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 56 (Committee Substitute), a bill to amend the safe driver insurance plan provisions by increasing the property damage threshold for chargeable accidents and eliminating surcharges for certain speeding traffic violations, Conference Report, for adoption.

On motion of Senator Jenkins, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 1387, a bill to prevent drift hunting on Swift Creek in Edgecombe County.
The bill passes its second and third readings and is ordered enrolled.

H. B. 1402, a bill to allow the City of Wilson to sell industrial property.
The bill passes its second and third readings and is ordered enrolled.

H. B. 645 (Committee Substitute No. 2), a bill to recodify the public hospital laws in Chapters 131 and 131B and in portions of Chapter 130 of the General Statutes, as amended, upon third reading.

Senator Swain offers Amendment No. 2 which is adopted (electronically recorded).

Senator Hancock offers Amendment No. 3, deleting Amendment No. 1 in its entirety, which is adopted (electronically recorded).

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Plyler, Rand, Redman, Royall, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, Winner, Woodard, and Wright—42.

Voting in the negative: Senator Tally—1.

Without objection, the Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2 by special messenger.

H. B. 709 (Senate Committee Substitute), a bill to establish the Alarm Systems Licensing Act, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, Winner, Woodard, and Wright—44.

Voting in the negative: None.

Without objection, the Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

H. B. 322 (Committee Substitute), a bill authorizing the Department of Human Resources to designate geographic areas within which a solid waste management plan will provide for the collection and disposal of solid waste; requiring waste generated within said areas to be disposed of at permitted solid waste management facilities; authorizing cities and counties to evaluate proposals and negotiate contracts on the basis of factors other than price alone; and expanding the powers of municipalities with respect to the issuance of revenue bonds for systems, facilities and equipment for the collection, treatment or disposal of solid waste, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Staton, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Winner, Woodard, and Wright—42.

Voting in the negative: Senator Warren—1.

The Committee Substitute bill remains on the Calendar, upon third reading.

H. B. 909, a bill to amend Article V of the Constitution of North Carolina to authorize the General Assembly to create an agency to issue revenue bonds to finance agricultural facilities projects, subject to the approval of the electorate, upon second reading.

Having received a three-fifths majority vote, the bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Jenkins, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Staton, Tally, Thomas of Craven, Thomas of Henderson, Tison, Ward, Warren, Winner, Woodard, and Wright—40.

Voting in the negative: None.

The bill remains on the Calendar, upon third reading.

S. B. 22 (Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies.

Senator Hardison offers Amendments Nos. 1 and 2 which are adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger without engrossment.

S. B. 23 (Committee Substitute), a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes.

Without objection, members of the fiscal research staff are granted courtesies of the floor to assist Senator Hardison in the explanation of the Committee Substitute bill.

On motion of Senator Hardison, Committee Amendments Nos. 1, 2, 3, 4, 5, 6, 7, and 8 are adopted.

Senator Hardison offers Amendments Nos. 9, 10, 11, and 12 which are adopted (electronically recorded).

Senator Duncan offers Amendment No. 13 which fails of adoption (electronically recorded).

Senator Kincaid offers Amendment No. 14. Senator Royall, seconded by Senator Hardison, offers a motion that Amendment No. 14 do lie upon the table, which motion prevails (electronically recorded) and Amendment No. 14 lies upon the table.

Senator Redman offers Amendment No. 15 which fails of adoption (electronically recorded).

Senator Allred offers Amendment No. 16, which he subsequently withdraws.

Senator Allred offers Amendment No. 17. Senator Warren rises to a point of order as to Amendment No. 17 which contains the principle provisions of a bill having been postponed indefinitely, being properly before the Senate. The Chair sustains the point of order and rules Amendment No. 17 out-of-order.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger without engrossment.

(Senator Lawing presides over a portion of today's Session.)

REPORTS OF COMMITTEES

Bills and resolutions are reported, out of the regular order of business, from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee:**

H. B. 426 (Committee Substitute), a bill to authorize various transient occupancy taxes, to authorize counties to levy one-half percent sales and use taxes, to allow localities to spend sales tax revenue on housing, and to change the method of funding for members of the Law Enforcement Officers' Retirement System who are local government employees, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Senate Committee Substitute bill which is held to be material and changes the title to read, **H. B. 426** (Senate Committee Substitute), a bill to increase State sales and use taxes by one-half percent, to distribute the increase in revenue to counties and cities for public schools, clean water, and other capital needs, and to authorize various transient occupancy taxes, is placed before the Senate for immediate consideration. On motion of Senator Rauch, the Senate Committee Substitute bill is adopted, constituting the first reading of the Senate Committee Substitute bill. The bill remains on the Calendar for Thursday, July 14, upon second reading.

H. B. 489 (Committee Substitute), a bill to define the conditions under which certain bingo games and raffles are lawful, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Senate Committee Substitute bill which is held to be material and changes the title to read, **H. B. 489** (Senate Committee Substitute), a bill to clarify, restrict and amend the law relating to the operation of bingo games and raffles, is placed before the Senate for immediate consideration. On motion of Senator Rauch, the Senate Committee Substitute bill is adopted,

constituting the first reading of the bill and the bill remains on the Calendar for Thursday, July 14, upon second reading.

By Senator Swain for the **Special Ways and Means Committee:**

S. B. 475 (House Committee Substitute), a bill to clarify what information may be used for proof of loss under life insurance policies, with a favorable report, as to concurrence.

On motion of Senator Swain, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

CALENDAR (Continued)

S. B. 503 (Committee Substitute), a bill to amend the time of execution of persons sentenced to death.

On motion of Senator Allsbrook, consideration of the Committee Substitute bill is postponed to a date to be determined by the Chair.

S. B. 569 (Committee Substitute), a bill to provide that the right to file or claim certain statutory liens on real property may not be waived.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 669, a bill to provide nonprofit organizations with the alternative of providing a letter of credit as security for payments to the Employment Security Fund.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives, by special messenger.

H. B. 21 (Committee Substitute), a bill to remove the defenses of unlawful arrest in cases of resisting arrest by use of a deadly weapon or deadly force.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 524, a bill to repeal all administrative rules adopted under the A.P.A. and require their adoption by the General Assembly.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1129 (Committee Substitute), a bill to include vested pension or retirement rights in marital property for purposes of equitable distribution.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1143 (Committee Substitute), a bill to provide fair discovery to defendants in criminal prosecutions.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H. B. 1326 (Senate Committee Substitute), a bill to allow a limited driving privilege upon conviction of speeding violations.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Warren to its third reading, the Senate Committee Substitute bill remains on the Calendar for further consideration.

H. J. R. 1345 (Senate Committee Substitute), a joint resolution authorizing the General Assembly to study the Administrative Procedure Act and to review rules currently in effect.

The Senate Committee Substitute joint resolution passes its second reading (electronically recorded) and remains before the Senate.

Senator Jordan offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute joint resolution, as amended, passes its third reading (electronically recorded) and is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute joint resolution by special messenger without engrossment.

H. B. 1353 (Committee Substitute), a bill to amend G. S. 115C-72 relating to the consolidation of districts and discontinuance of schools.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1371, a bill to allow certain housing authorities to engage in moderate income housing.

Senator Edwards of Guilford offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1374 (Committee Substitute), a bill to amend the *prima facie* evidence rule for enforcement of parking regulations.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1384, a bill to restrict the use of the list of licensed drivers to jury selection purposes only.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1400, a bill to clarify the provisions of the fair employment and dismissal act.

On motion of Senator Jenkins, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No.1 by special messenger.

S. B. 553 (House Committee Substitute), a bill setting standards for qualification, training and experience for persons seeking to represent themselves to the public as registered practicing counselors: creating a State board of examiners for registered practicing counselors: defining the functions and duties of that board: and providing for penalties, for concurrence in the House Committee Substitute bill.

On motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

S. B. 608, a bill to validate certain recorded maps and plats, for concurrence in House Amendment No. 1.

On motion of Senator Davis, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

CONFERENCE REPORT

H. B. 905 (Senate Committee Substitute)

Senator Allsbrook, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 905** (Senate Committee Substitute), a bill to eliminate the Judicial Council and reconstitute the North Carolina Courts Commission, submits the following report.

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute for House Bill 905 (Second Edition, Adopted 6/24/83), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE JUDICIAL COUNCIL AND RECONSTITUTE THE NORTH CAROLINA COURTS COMMISSION, wish to report as follows: The Conference Committee recommends that the differences between the Senate and the House of Representatives regarding the Senate Committee Substitute for House Bill 905 (Second Edition, Adopted 6/24/83), be resolved by the adoption of the following amendments to the bill:

1. On page 1, line 11, substitute "24" for "20";
2. On page 1, lines 12, 13, and 14, and on page 2, lines 1, 6, and 10, substitute "six" for "five";
3. On page 1, line 19, rewrite that line to read: "court, and two shall be district court judges.";
4. On page 2, line 13, rewrite that line to read: "least one shall be a magistrate.";
5. On page 2, line 16, substitute "three" for "two" in the first place "two" appears; and
6. On page 2, lines 22 through 26, rewrite those lines to read: "Sec. 3. This act is effective upon ratification."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 13th day of July, 1983

CECIL R. JENKINS	SAM BEAM
ROBERT S. SWAIN	ROBERT C. HUNTER
JULIAN R. ALLSBROOK	H. PARKS HELMS
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

On motion of Senator Allsbrook, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

July 13, 1983

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 22 (Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies, for concurrence in House Amendment No. 1.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Senate concurs (electronically recorded) in House Amendment No. 1 and the Committee Substitute bill is ordered enrolled.

S. B. 524, a bill to extend death benefits under the Workers' Compensation Act, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, July 14.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Jenkins moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Jenkins and Warren:

S. B. 688, a bill to appropriate funds to permit a member of the Teachers' and State Employees' Retirement System or of the Law Enforcement Officers' Retirement System to retire with full benefits after completing twenty-eight years' service with the System.

Referred to **Appropriations Committee.**

Senator Gray moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Gray, Ballenger, Barnes of Wayne, Childers, Edwards of Guilford, Hancock, Hardison, Harrington, Harris of Cleveland, Jenkins, Jordan, Lawing, Marion, Royall, Staton, Thomas of Craven, Walker, and Ward:

S. J. R. 689, a joint resolution directing the Department of Human Resources to study the issue of hazardous waste landfill placement and resultant potential health hazards.

On motion of Senator Gray, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

Senator Thomas of Craven moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Thomas of Craven:

S. B. 691, a bill to provide that if title to property has been conveyed out of the State the State shall have the same burden of proof as any other litigant.

Referred to **Special Ways and Means Committee.**

RECONSIDERATIONS

H. B. 1316, a bill to make it a misdemeanor to harbor or aid persons who violate conditions of probation or persons whose probation has been revoked.

Senator Barnes of Wayne offers a motion that the bill be removed from the table and recommitted to the **Special Ways and Means Committee.**

Senator Harris of Cleveland, seconded by Senator Jenkins, offers a motion that that motion do lie upon the table, which motion fails to prevail (electronically recorded).

The motion of Senator Barnes of Wayne to remove the bill from the table and recommit the bill to the **Special Ways and Means Committee** fails to prevail for lack of a two-thirds majority vote (electronically recorded). The bill remains upon the table.

H. B. 1363, a bill to abolish certain committees and commissions under the Department of Cultural Resources.

Senator Swain offers a motion that the bill be removed from the table and recommitted to the **Special Ways and Means Committee.**

Senator Jenkins, seconded by Senator Harris of Cleveland, offers a motion that that motion do lie upon the table, which motion prevails (electronically recorded).

The bill remains on the table.

RE-REFERRALS

H. B. 1420, a bill to allow cities to levy property taxes for drainage programs.

On motion of Senator Swain the bill is taken from the **Special Ways and Means Committee** and re-referred to the **Finance Committee.**

H. B. 1443, a bill to establish the Butner Fire and Police Protection District.

On motion of Senator Swain the bill is taken from the **Special Ways and Means Committee** and re-referred to the **Finance Committee.**

APPOINTMENT OF ADDITIONAL CONFEREE

S. B. 141 (House Committee Substitute), a bill to rewrite the public health laws.

Without objection, the President appoints Senator Barnes of Wayne as an additional conferee on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT TO COMMITTEE

The President makes the following standing committee appointment: **APPROPRIATIONS COMMITTEE:** Senator Duncan is added as a member.

On motion of Senator Lawing, seconded by Senator Harris of Mecklenburg, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED THIRTY-FIRST DAY

SENATE CHAMBER,
Thursday, July 14, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Father, as we move toward the time for adjournment of this Senate, we pause once more to give You thanks for all that You have done for the members of this Body during the past six months: for Your spirit of wisdom that helps us to find the true path among the many divergent points of view offered by friends and foes; for the spirit of unity that enables us to forget our own ego long enough to hear and appreciate another point of view; for times of laughter that lighten the burden of heavy responsibility; for loving concern expressed by colleagues in time of personal need; and for the deep sense of personal satisfaction that comes from being called to work that enables service to one's brothers and sisters. In the time remaining here, help us to be thankful for gifts we have received and open to the continued inspiration of Your Spirit Who offers us more than we need whenever we open our minds and our hearts to Him. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Kincaid for today and to Senator Edwards of Guilford for tomorrow, July 15.

Leaves of absence granted previously to Senators Daniels and Soles are noted.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 22, an act to make appropriations to provide capital improvements for State departments, institutions, and agencies. (Ch. 757)

S. B. 475 (Committee Substitute), an act to clarify what information may be used for proof of loss under life insurance policies. (Ch. 749)

S. B. 553 (House Committee Substitute), an act setting standards for qualification, training and experience for persons seeking to represent themselves to the public as registered practicing counselors: creating a State board of examiners for registered practicing counselors: defining the functions and duties of that board: and providing for penalties. (Ch. 755)

S. B. 567, an act to amend Article 10 of Chapter 115C of the General Statutes pertaining to vocational education. (Ch. 750)

S. B. 608, an act to validate certain recorded maps and plats. (Ch. 756)

S. B. 621, an act to amend Chapter 85B, relating to auctions and auctioneers. (Ch. 751)

S. B. 666, an act to grant a partial tax exemption for gasohol made from agricultural or forestry waste products or by-products. (Ch. 760)

H. B. 315 (Senate Committee Substitute), an act to strengthen laws regulating sales of alcoholic beverages. (Ch. 740)

H. B. 567 (Senate Committee Substitute), an act to amend the Statutes 14-107 for worthless checks. (Ch. 741)

H. B. 642 (Senate Committee Substitute), an act to clarify State responsibility for jailer training and certification. (Ch. 745)

H. B. 684 (Senate Committee Substitute No. 2), an act to establish the crime of involuntary servitude. (Ch. 746)

H. B. 864 (Senate Committee Substitute), an act to make statewide Chapter 85C of the General Statutes relating to bail bondsman by repealing the exemptions for New Hanover and Robeson Counties, and to repeal local acts relating to the New Hanover County Law Library. (Ch. 742)

H. B. 1129 (Committee Substitute), an act to include vested pension or retirement rights in marital property for purposes of equitable distribution. (Ch. 758)

H. B. 1143 (Committee Substitute), an act to provide fair discovery to defendants in criminal prosecutions. (Ch. 759)

H. B. 1277 (Committee Substitute), an act to deny authority to Caswell Beach to exercise jurisdiction under Article 19 of Chapter 160A of the General Statutes over Fort Caswell. (Ch. 743)

H. B. 1353 (Committee Substitute), an act to amend G. S. 115C-72 relating to the consolidation of districts and discontinuance of schools. (Ch. 752)

H. B. 1374 (Committee Substitute), an act to amend the *prima facie* evidence rule for enforcement of parking regulations. (Ch. 753)

H. B. 1384, an act to restrict the use of the list of licensed drivers to jury selection purposes only. (Ch. 754)

H. B. 1387, an act to prevent drift hunting on Swift Creek in Edgecombe County. (Ch. 747)

H. B. 1402, an act to allow the City of Wilson to sell industrial property. (Ch. 748)

H. B. 1409, an act to amend Chapter 600 of the Session Laws of 1983 concerning the date of the special election to incorporate the Town of Lynn. (Ch. 744)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards of Caldwell for the **Banking Committee:**

S. B. 577, a bill to exempt certain limited partnership debt obligations from the application of the State's interest laws, with an unfavorable report.

By Senator Rauch for the **Finance Committee:**

S. B. 222, a bill to allow any unused portion of the tax credit provided for conversion of an industrial boiler to wood fuel to be carried forward for five years, with a favorable report.

S. B. 436 (Committee Substitute), a bill to provide for the licensing of persons practicing

occupational therapy, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Friday, July 15.

S. B. 461, a bill to exempt newspaper advertising supplements from the North Carolina sales tax, with a favorable report.

S. B. 662, a bill to allow sanitary districts to make assessments against benefitted property for water and sewer projects, with a favorable report.

H. B. 202 (Committee Substitute), a bill to clarify the provisions for certification of local taxing officials and to provide a continuing education program for all persons engaged in the appraisal of property for taxation, with a favorable report.

H. B. 206, a bill to simplify the listing of real and personal property in time-sharing arrangements, with a favorable report.

H. B. 785 (Committee Substitute), a bill to be known as the North Carolina Time Share Act as recommended by the General Statutes Commission, with a favorable report.

H. B. 1201, a bill to change the eligibility requirements for use-value classification of agricultural land, with a favorable report.

By Senator Barnes of Wayne for the **Judiciary III Committee:**

S. B. 496, a bill to require leave of court before a criminal charge may be dismissed, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 496** (Committee Substitute), a bill to authorize the LRC to study the feasibility of a Standards Commission for district attorneys, is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

By Senator Swain for the **Special Ways and Means Committee:**

S. B. 681, a bill relating to bail bond forfeitures, with a favorable report.

S. B. 682, a bill to prohibit possession and consumption of malt beverages and unfortified wine on public school property, with a favorable report.

H. B. 882, a bill to repeal Chapter 331 of the Session Laws of 1981 concerning the Mecklenburg County Alcoholic Beverage Control Board, with a favorable report.

H. B. 933 (Committee Substitute No. 2), a bill to authorize the alteration of a marriage license when a party to the marriage lawfully changes his or her name, with a favorable report, as amended.

H. B. 1330 (Committee Substitute), a bill to provide a method to establish that a notice of sale has been posted at the courthouse as recommended by the General Statutes Commission, with a favorable report.

H. B. 1419 (Committee Substitute), a bill to prohibit use of borrowers' insurance information by lenders except for the extension of credit, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 1419** (Senate Committee Substitute), a bill to amend G. S. 58-54.4 relating to the law prohibiting unfair business practices, is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, July 15.

By Senator Thomas of Henderson for the **Ways and Means Committee:**

H. B. 1090, a bill to limit the operation in North Carolina of trucks with two trailers and increased lengths and widths mandated by federal law and to conform the North Carolina law to federal requirements, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Thomas of Henderson, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Henderson, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, July 15.

CONFERENCE REPORTS

H. B. 255 (Senate Committee Substitute)

Senator Edwards of Caldwell, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 255** (Senate Committee Substitute), a bill to amend General Statutes Chapter 74C, the Private Protective Services Act, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Committee Substitute for the House Committee Substitute for House Bill 255, A BILL TO BE ENTITLED AN ACT TO AMEND GENERAL STATUTES CHAPTER 74C, THE PRIVATE PROTECTIVE SERVICES ACT, wish to report as follows: the House concurs in the Senate Committee Substitute with the following amendments:

(1) on page 5, line 5, rewrite that line in its entirety to read: "enforcement or sheriff's department. After administrative remedies have been exhausted, disputes with the board arising under G. S. 74C-8(d) (3) may be carried directly to the General Court of Justice in the county where the complainant resides."

(2) on page 5, line 6, rewrite that line to read: "Sec. 12. This act is effective upon ratification."

The Senate concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

July 14, 1983

This the day of July 1983

JAMES H. EDWARDS
ANTHONY E. RAND
DENNIS WINNER
Conferees on the part
of the Senate

DAVID W. BUMGARDNER, JR.
N. J. CRAWFORD
J. P. HUSKINS
Conferees on the part
of the House of Representatives

On motion of Senator Edwards of Caldwell, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 767 (Senate Committee Substitute)

Senator Johnson, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 767** (Senate Committee Substitute), a bill to amend G. S. 90-108 to prohibit embezzlement of controlled substances by employees of practitioners and registrants, and to prohibit "doctor shopping" as a means of fraudulently obtaining controlled substances from practitioners, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Committee Substitute for House Committee Substitute for H. B. 767, A BILL TO BE ENTITLED AN ACT TO AMEND G. S. 90-108 TO PROHIBIT EMBEZZLEMENT OF CONTROLLED SUBSTANCES BY EMPLOYEES OF PRACTITIONERS AND REGISTRANTS, AND TO PROHIBIT "DOCTOR SHOPPING" AS A MEANS OF FRAUDULENTLY OBTAINING CONTROLLED SUBSTANCES FROM PRACTITIONERS, wish to report as follows: The House concurs in the Senate Committee Substitute with the following amendments:

(1) on page 1, rewrite lines 11 through 13 in their entirety to read: "(13) To obtain controlled substances through the use of legal prescriptions which have been obtained by the knowing and willful misrepresentation to or by the intentional withholding of information from one or more practitioners."

(2) on page 2, line 3, delete "July 1, 1983" and insert in lieu thereof "August 1, 1983".

The Senate concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of July 1983

JOSEPH E. JOHNSON
DENNIS WINNER
W. GERRY HANCOCK, JR.
ELTON EDWARDS
Conferees on the part
of the Senate

B. P. WOODARD
DANIEL T. BLUE, JR.
MARTIN LANCASTER
W. PAUL PULLEY
Conferees on the part
of the House of Representatives

On motion of Senator Johnson, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 23 (Committee Substitute), a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes, for concurrence in House Amendment No. 1.

On motion of Senator Hardison, the rules are suspended (electronically recorded) and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Senate concurs in House Amendment No. 1 (electronically recorded) and the Committee Substitute bill is ordered enrolled.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hunt and Walker:

S. B. 683, a bill to appropriate funds to Orange Industries to continue to operate a sheltered workshop in Orange County.

Referred to **Appropriations Committee.**

By Senators Plyler and Lawing:

S. B. 684, a bill to restrict annexation of underdeveloped land by cities with a population of five thousand or more.

Referred to **Special Ways and Means Committee.**

By Senator Plyler:

S. B. 685, a bill concerning the transportation of farm products.

Referred to **Special Ways and Means Committee.**

By Senators Hunt and Walker:

S. B. 686, a bill to appropriate funds for restoration of Union Station in Aberdeen for use as a community center.

Referred to **Appropriations Committee.**

By Senator Edwards of Caldwell:

S. B. 687, a bill to appropriate funds for a boat ramp at Tater Hole on Lake Rhodhiss.

Referred to **Appropriations Committee.**

Senator Rauch moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Rauch:

S. J. R. 690, a joint resolution honoring the life and memory of Patricia Allen Benton.

On motion of Senator Rauch, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senators Edwards of Guilford, Hardison, Jordan, Rauch, Royall, and Walker:

S. J. R. 692, a joint resolution recommending that unappropriated revenues for fiscal year 1983-84 be seriously considered for appropriation in 1984 for public school, and water and sewer capital needs.

Referred to **Appropriations Committee.**

Senator Lawing moves that Rule 40 be suspended to allow the the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Lawing, Edwards of Caldwell, Guy, Hunt, and Tison:

S. J. R. 693, a joint resolution setting the time for adjournment of the 1983 General Assembly to reconvene in 1984, and limiting the subjects that may be considered in that Session.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, consideration of the joint resolution is postponed until tomorrow, July 15 (electronically recorded).

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 814 (Committee Substitute), a bill to regulate the practice of midwifery.

Referred to **Special Ways and Means Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 376 (Committee Substitute), a bill relating to the disposition of animals by animal shelters and pounds.

Referred to **Special Ways and Means Committee.**

H. B. 1392, a bill to amend the Safe Roads Act to provide immunity for injury to a defendant performing community service.

Referred to **Special Ways and Means Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1302, a bill to permit certain employees of the Charlotte Fire Department to purchase credit in the Charlotte Firemen's Retirement System for prior service as fire officers.

The bill passes its second and third readings and is ordered enrolled.

H. B. 322 (Committee Substitute), a bill authorizing the Department of Human Resources to designate geographic areas within which a solid waste management plan will provide for the collection and disposal of solid waste; requiring waste generated within said areas to be disposed of at permitted solid waste management facilities; authorizing cities and counties to evaluate proposals and negotiate contracts on the basis of factors other than price alone; and expanding the powers of municipalities with respect to the issuance of revenue bonds for systems, facilities and equipment for the collection, treatment or disposal of solid waste, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Childers, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Staton, Swain, Tally, Thomas of Craven, Tison, Ward, Warren, White, Winner, Woodard, and Wright—41.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H. B. 909, a bill to amend Article V of the Constitution of North Carolina to authorize the General Assembly to create an agency to issue revenue bonds to finance agricultural facilities projects, subject to the approval of the electorate, upon third reading.

Having received a three-fifths majority vote, the bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Staton, Swain, Tally, Thomas of Craven, Tison, Ward, White, Winner, Woodard, and Wright—40.

Voting in the negative: None.

The billis ordered enrolled.

(Senator Lawing presides over a portion of today's Session.)

H. B. 426 (Senate Committee Substitute), a bill to increase State sales and use taxes by one-half percent, to distribute the increase in revenue to counties and cities for public schools, clean water, and other capital needs, and to authorize various transient occupancy taxes, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 4, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—42.

Voting in the negative: Senators Allred, Duncan, Harris of Clevland, and Marion—4.

The following pair is announed: Senator Thomas of Craven, "aye; Senator Kincaid, "no."

The Senate Committee Substitute bill remains on the Calendar, upon third reading.

WITHDRAWAL FROM COMMITTEE

H. B. 265, a bill to establish the North Carolina Housing Commission.

On motion of Senator Jordan, the rules are suspended and the bill is taken from the **Appropriations Committee** and placed on the Calendar for today.

RECONSIDERATION

H. B. 322 (Committee Substitute), a bill authorizing the Department of Human Resources to designate geographic areas within which a solid waste management plan will provide for the collection and disposal of solid waste; requiring waste generated within said areas to be disposed of at permitted solid waste management facilities; authorizing cities and counties to evaluate proposals and negotiate contracts on the basis of factors other than price alone; and expanding the powers of municipalities with respect to the issuance of revenue bonds for systems, facilities and equipment for the collection, treatment or disposal of solid waste.

Without objection, on motion of Senator Jenkins, the Committee Substitute bill is recalled from the Enrolling Office.

Senator Lawing moves that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

Senator Lawing offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright—43.

Voting in the negative: None.

Without objection, the Committee Substitute bill, as amended, is ordered sent by special messenger to the House of Representatives for concurrence in Senate Amendment No. 1.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1191
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 13, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Com. Sub. to H. B. No. 1191, A BILL TO BE ENTITLED AN ACT TO EXEMPT PRIVATE HOMES OFFERING BED AND BREAKFAST ACCOMMODATIONS FROM THE FOOD AND LODGING REQUIREMENTS OF THE PUBLIC HEALTH LAWS AND TO AUTHORIZE THE HEALTH SERVICES COMMISSION TO ADOPT RULES BY JULY 1, 1984, and

requests conferees. The Speaker has appointed Representatives Evans, Jeralds, B. Woodard on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Harris of Cleveland moves that the President appoint conferees, which motion prevails. The President appoints Senators Harris of Cleveland, Edwards of Caldwell, and Walker as conferees on the the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported, out of the regular order of business, from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Marion for the **Local Government and Regional Affairs Committee:**

S. B. 223, a bill to consider merger of school districts in Rockingham County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Marion, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 223** (Committee Substitute), a bill to provide enabling legislation for the consolidation and merger of the Eden City Schools Administrative Unit, the Madison-Mayodan Administrative Unit, the Reidsville City Administrative Unit and the Rockingham County Schools Administrative Unit, is placed before the Senate for immediate consideration.

On motion of Senator Marion, the Committee Substitute bill is adopted, and on his further motion remains before the Senate for further consideration.

The Committee Substitute bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 459 (Committee Substitute), a bill exempting the County of Gaston from the provisions of Article 12, Chapter 160A of the General Statutes, as to leases of real estate owned by it known as Gaston Memorial Hospital Property and the sale of personal property used for the hospital, with a favorable report, as amended.

On motion of Senator Marion, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Marion, the Committee Substitute bill, as amended, remains before the Senate for further consideration.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in Senate Amendment No. 1.

CALENDAR (Continued)

H. B. 910 (Committee Substitute), a bill creating the North Carolina Agricultural Facilities Finance Agency and authorizing said agency to finance the construction, acquisition and development of agricultural facilities, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jordan, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright—40.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar, upon third reading.

H. B. 1040, a bill to increase examination and license fees for insurance agents, adjusters, appraisers, brokers, and companies; bail bondsmen and runners; collection agencies; and motor clubs, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill remains on the Calendar, upon third reading.

S. B. 519, a bill to clarify the provision for filing of insurance rates, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 21 (Committee Substitute), a bill to remove the defenses of unlawful arrest in cases of resisting arrest by use of a deadly weapon or deadly force, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

The Chair declares the Senate in recess until 3:30 P.M. for the purpose of committee meetings.

AFTERNOON SESSION—3:30 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

CALENDAR (Continued)

H. B. 489 (Senate Committee Substitute), a bill to clarify, restrict and amend the law relating to the operation of bingo games and raffles, upon second reading.

The President rules the Senate Committee Substitute bill requires a call of the roll.

Senator Rauch offers Amendment No. 1 which is adopted (electronically recorded).

Without objection, the Senate Committee Substitute bill, as amended, is temporarily displaced.

The Chair declares the Senate in recess until 4:15 P.M. for the purpose of committee meetings.

AFTERNOON SESSION—4:15 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

CALENDAR (Continued)

H. B. 489 (Senate Committee Substitute), a bill to clarify, restrict and amend the law relating to the operation of bingo games and raffles, as amended, upon second reading.

Senator Martin offers Amendment No. 2 which fails of adoption (electronically recorded).

Senator Winner offers Amendment No. 3 which is adopted (electronically recorded).

Senator Martin offers Amendment No. 4 which fails of adoption (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 30, noes 8, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Childers, Davis, Edwards of Caldwell, Guy, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Lawing, Marion, Marvin, Parnell, Plyler, Rauch, Redman, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Winner, Woodard, and Wright—30.

Voting in the negative: Senators Barnes of Wayne, Barnes of Forsyth, Hancock, Hardison, Martin, Royall, Warren, and White—8.

The Senate Committee Substitute bill, as amended, remains on the Calendar, upon third reading.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. J. R. 381, a joint resolution directing the Legislative Research Commission to study present system of regulation and taxation of banks, savings and loans and credit unions, with a favorable report.

On motion of Senator Lawing, the joint resolution is re-referred to the **Appropriations Committee.**

By Senator Swain for the **Special Ways and Means Committee:**

S. B. 685, a bill concerning the transportation of farm products, with a favorable report.

H. B. 376 (Committee Substitute), a bill relating to the disposition of animals by animal shelters and pounds, with a favorable report.

H. B. 814 (Committee Substitute), a bill to regulate the practice of midwifery, with a favorable report, as amended.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Swain, the Committee Substitute bill, as amended, is re-referred to the **Finance Committee.**

H. B. 1342, a bill to limit the use of center-fire rifles in Harnett County, with a favorable report.

By Senator Hardison for the **Appropriations Committee:**

H. B. 810 (Senate Committee Substitute), a bill to establish the Governor's Administrative Rules Review Commission, with an unfavorable report as to Senate Committee Substitute, but favorable as to Senate Committee Substitute bill No.2.

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Senate Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Friday, July 15.

CONFERENCE REPORT

H. B. 683 (Senate Committee Substitute)

Senator Winner, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 683** (Senate Committee Substitute), a bill to rewrite G. S. 20-217 pertaining to passing stopped school buses and receiving or discharging passengers from school buses stopped on divided roadways, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute for House Bill 683 (adopted 5/20/83), AN ACT TO REWRITE G. S. 20-217 PERTAINING TO PASSING STOPPED SCHOOL BUSES AND RECEIVING OR DISCHARGING PASSENGERS FROM SCHOOL BUSES STOPPED ON DIVIDED ROADWAYS, wish to report as follows: The Conference Committee recommends that the differences between the Senate and House of Representatives regarding the Senate Committee Substitute for House Bill 683 (adopted 5/20/83) be resolved by:

Page 2 — Line 27 — Add a subsection (f) under Section 1 to read:

(f) Proof that a motor vehicle has passed a stopped school bus in violation of subsection (a) of this section is *prima facie* evidence that the motor vehicle was operated at the time of the violation by the registered owner of the vehicle.

Further on Page 3 — Line 2 — Delete the period after 1983 and add the following words: and expire October 1, 1985. G. S. 20-217 amended hereby shall not be effective on and after said date.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 14th day of July 1983

Dennis J. Winner	Daniel T. Lilley
Cecil R. Jenkins	Chris S. Barker, Jr.
Anthony E. Rand	Aaron E. Fussell
Robert S. Swain	George W. Miller, Jr.
Lura Tally	Richard Wright
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

On motion of Senator Winner, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H. B. 1326 (Senate Committee Substitute), a bill to allow a limited driving privilege upon conviction of speeding violations, upon third reading.

Senator Warren offers a motion that the Senate Committee Substitute bill be re-referred to the **Appropriations Committee,** which motion fails to prevail.

The Senate Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

RE-REFERRAL

S. B. 662, a bill to allow sanitary districts to make assessments against benefitted property for water and sewer projects.

Without objection, on motion of Senator Allsbrook, the bill is taken from the Calendar for tomorrow, July 15, and is placed on the Calendar for today, upon second reading.

CALENDAR (Continued)

S. B. 416, a bill to remove the sales tax on death certificates.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 676, a bill regarding security interests in certain livestock.

On motion of Senator Plyler, consideration of the bill is postponed until tomorrow, July 15.

S. B. 662, a bill to allow sanitary districts to make assessments against benefitted property for water and sewer projects, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The bill remains on the Calendar, upon third reading.

S. B. 555, a bill establishing regulation of and the licensing of the practice of geology and

to establish the qualifications, training and experience for persons seeking to represent themselves to the public as geologists; creating a State board for licensing of geologists; defining the functions and duties of that board; and providing for penalties.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electroncially recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 644, a bill to include persons performing court-ordered community service under workers' compensation and to immunize local government units for their torts.

On motion of Senator Swain, Committee Amendment No. 1 is adopted, changing the title to read **S. B. 644,** a bill to immunize local government units for the torts of persons performing court-ordered community service.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 60 (Committee Substitute), a bill to clarify the law concerning underinsured motorist coverage.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 230 (Committee Substitute), a bill to provide an income tax credit for certain real properties donated for conservation purposes.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 265, a bill to establish the North Carolina Housing Commission.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 596 (Committee Substitute), a bill authorizing an injured party to testify as to medical charges.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

(Senator Jenkins presides over a portion of today's Session.)

H. B. 688 (Senate Committee Substitute), a bill to amend the licensing of domiciliary homes for aged and disabled and the Domiciliary Bill of Rights.

On motion of Senator Harris of Cleveland, Committee Amendment No. 1 is adopted.

Senator Martin offers Amendment No. 2 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 945, a bill concerning the reporting of certain transactions in United States currency.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. J. R. 1211, a joint resolution memorializing the Congress to pass emergency legislation to open up the treacherous channel at Oregon Inlet.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1253, a bill defining legislative bribery and consolidating the statutes relating thereto.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1314 (Committee Substitute), a bill to authorize cities to sell property in community development programs to redevelopers at private sale.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No.1.

H. B. 1343, a bill to protect artists' rights in artwork on consignment.

On motion of Senator Swain, Committee Amendment No. 1 is adopted (electronically recorded).

Senator Edwards of Caldwell offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1 and 2.

H. B. 1380, a bill to recognize that the sun has set and night should fall on the Law Enforcement Officers' Minimum Salary Act.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1382, a bill to permit employees of the State Employees' Credit Union the option of terminating membership in the Teachers' and State Employees' Retirement System.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S. B. 524, a bill to extend death benefits under the Workers' Compensation Act, for concurrence in House Amendment No. 1.

On motion of Senator Staton, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1119 (Committee Substitute No. 2), a bill to amend the statute relating to payment and performance bonds for public contracts.

Referred to **Special Ways and Means Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 721, a bill to extend the filing period for workers' compensation claims when accidental injuries are not discovered within two years of the accident.

Referred to **Special Ways and Means Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 255
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 14, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on SCS for HCS for H. B. No. 255, A BILL TO BE ENTITLED AN ACT TO AMEND GENERAL STATUTES CHAPTER 74C, THE PRIVATE PROTECTIVE SERVICES ACT, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

H. B. 683
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 14, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on SCS for H. B. No. 683, A BILL TO BE ENTITLED AN ACT TO REWRITE G. S. 20-217 PERTAINING TO PASSING STOPPED SCHOOL BUSES AND RECEIVING OR DISCHARGING PASSENGERS FROM SCHOOL BUSES STOPPED ON DIVIDED ROADWAYS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

H. B. 767
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 14, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on SCS for HCS for H. B. No. 767, A BILL TO BE ENTITLED AN ACT TO AMEND G. S. 90-108 TO PROHIBIT EMBEZZLEMENT OF CONTROLLED SUBSTANCES BY EMPLOYEES OF PRACTITIONERS AND REGISTRANTS, AND TO PROHIBIT "DOCTOR SHOPPING" AS A MEANS OF FRAUDULENTLY OBTAINING CONTROLLED SUBSTANCES FROM PRACTITIONERS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

July 14, 1983

H. B. 905
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 14, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on SCS for H. B. No. 905, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE JUDICIAL COUNCIL AND RECONSTITUTE THE NORTH CAROLINA COURTS COMMISSION, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

On motion of Senator Royall, seconded by Senator Tally, the Senate adjourns to meet tomorrow at 11:00 A.M.

ONE HUNDRED THIRTY-SECOND DAY

SENATE CHAMBER,
Friday, July 15, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Deborah Griffis-Woodberry, Associate Pastor, Ridge Road Baptist Church, Raleigh, as follows:

"Eternal God, we offer praise and thanksgiving. Your goodness and mercy toward us is unending. Thy love is constant. You have created us in Thy image and called us worthy to be Your people. Enable us, we pray, to reflect Thy image in lifestyles of integrity. Cause us to hear Thy word of truth. Forgive us when we miss the mark of being our best selves.

"Your gifts to us, O God, are many. Most of us are well, fed, well clothed, well housed, and highly educated. Indeed our cups overflow. Help us to be good stewards of all of our resources, so that others cups may simply be filled.

"Enable us to be agents of reconciliation, bringing to ourselves and others a message of hope.

"Given the complex systems in which we live, it is difficult to know and to act upon Thy will. We pray for Thy guidance.

"Grant, O God, that the women and men who serve in this Body may have patience to hear the voices of many. Grant to them the needed emotional and spiritual fortitude to be effective and loyal to their best insights.

"Lead us all to do justice, to love kindness, and to walk humbly with You, Our God.

"Be near us, O God, for our tendency is to wander.

"We pray in faith and with thanksgiving. Amen"

July 15, 1983

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Lawing for today.

Leaves of absence granted previously to Senators Soles and Edwards of Guilford are noted.

Senator Edwards of Guilford is present for a portion of today's Session.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 23 (Committee Substitute), an act to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes. (Ch. 761)

S. B. 524, an act to extend death benefits under the Workers' Compensation Act. (Ch. 772)

S. J. R. 690, a joint resolution honoring the life and memory of Patricia Allen Benton. (Res. 47)

H. B. 21 (Committee Substitute), an act to remove the defenses of unlawful arrest in cases of resisting arrest by use of a deadly weapon or deadly force. (Ch. 762)

H. B. 56 (Committee Substitute), an act to amend the safe driver insurance plan provisions by increasing the property damage threshold for chargeable accidents and eliminating surcharges for certain speeding traffic violations. (Ch. 763)

H. B. 596 (Committee Substitute), an act authorizing an injured party to testify as to medical charges. (Ch. 776)

H. B. 612 (Committee Substitute), an act to revise the statutes relating to the Game Commission of Currituck County. (Ch. 764)

H. B. 645 (Committee Substitute No. 2), an act to recodify the public hospital laws in Chapters 131 and 131B and in portions of Chapter 130 of the General Statutes. (Ch. 775)

H. B. 767 (Senate Committee Substitute), an act to amend G. S. 90-108 to prohibit embezzlement of controlled substances by employees of practitioners and registrants, and to prohibit "doctor shopping" as a means of fraudulently obtaining controlled substances from practitioners. (Ch. 773)

H. B. 905 (Senate Committee Substitute), an act to eliminate the Judicial Council and reconstitute the North Carolina Courts Commission. (Ch. 774)

H. B. 909, an act to amend Article V of the Constitution of North Carolina to authorize the General Assembly to create an agency to issue revenue bonds to finance agricultural facilities projects, subject to the approval of the electorate. (Ch. 765)

H. B. 954 (Senate Committee Substitute), an act to regulate the purchase of Mutual Burial Associations. (Ch. 766)

H. B. 1302, an act to permit certain employees of the Charlotte Fire Department to purchase credit in the Charlotte Firemen's Retirement System for prior service as fire officers. (Ch. 767)

H. B. 1331 (Committee Substitute), an act to make various technical amendments to the General Statutes as recommended by the General Statutes Commission. (Ch. 768)

H. B. 1371, an act to allow certain housing authorities to engage in moderate income housing. (Ch. 769)

H. B. 1400, an act to clarify the provisions of the fair employment and dismissal act. (Ch. 770)

H. B. 1401 (Senate Committee Substitute), an act providing that the Henderson County jail shall be operated as provided by the General Statutes. (Ch. 771)

RE-REFERRALS

S. B. 77 (Committee Substitute), a bill providing for alternative means of dispute resolution.

Without objection, the Chair orders the bill taken from the **Appropriations Committee** and re-referred to the **Special Ways and Means Committee.**

S. B. 588, a bill to allow State agencies to recruit, train, register, and accept volunteers for State service.

Without objection, the Chair orders the bill taken from the **Appropriations Committee** and re-referred to the **Special Ways and Means Committee.**

H. B. 665, a bill to amend the Corporation Income Tax Act to provide for solar tax credits for corporations engaged in service as well as manufacturing businesses.

On motion of Senator Duncan the bill is taken from the **Finance Committee** and re-referred to the **Appropriations Committee.**

H. B. 666, a bill to amend the Individual Income Tax Act to provide for solar tax credits for individuals' service as well as manufacturing businesses.

On motion of Senator Duncan the bill is taken from the **Finance Committee** and re-referred to the **Appropriations Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Duncan for the **Finance Committee:**

H. B. 1420, a bill to allow cities to levy property taxes for drainage programs, with a favorable report.

H. B. 1433, a bill to amend the law regarding Person County's acquisition of property by eminent domain for airport purposes, with a favorable report.

H. B. 1443, a bill to establish the Butner Fire and Police Protection District, with a favorable report.

By Senator Harris of Cleveland for the **Human Resources Committee:**

H. B. 1028, a bill to allow private peer review in domiciliary homes, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Allsbrook moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motions prevail by a two-thirds majority vote.

By Senators Allsbrook, Rauch, Harris of Cleveland, Hardison, and Swain:

S. B. 694, a bill to amend the Constitution to prohibit the Governor or Lieutenant Governor from serving consecutive terms.

Referred to **Special Ways and Means Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 882, a bill to repeal Chapter 331 of the Session Laws of 1981 concerning the Mecklenburg County Alcoholic Beverage Control Board.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1342, a bill to limit the use of center-fire rifles in Harnett County.

The bill passes its second and third readings and is ordered enrolled.

S. B. 662, a bill to allow sanitary districts to make assessments against benefitted property for water and sewer projects, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Duncan, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, and White—36.

Voting in the negative: None.

The bill, without objection, is ordered sent to the House of Representatives by special messenger.

H. B. 489 (Senate Committee Substitute), a bill to clarify, restrict and amend the law relating to the operation of bingo games and raffles, as amended, upon third reading.

On motion of Senator Rauch, consideration of the Senate Committee Substitute bill, as amended, is postponed until Monday, July 18.

H. B. 426 (Senate Committee Substitute), a bill to increase State sales and use taxes by one-half percent, to distribute the increase in revenue to counties and cities for public schools, clean water, and other capital needs, and to authorize various transient occupancy taxes, upon third reading.

Senator Allred offers Amendment No.1.

Senator Royall, seconded by Senator Hardison, offers a motion that Amendment No. 1 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 1 lies upon the table.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 6, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Edwards of Guilford, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Jordan, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—39.

Voting in the negative: Senators Allred, Childers, Duncan, Harris of Cleveland, Kincaid, and Marion—6.

The Senate Committee Substitute bill is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

H. B. 910 (Committee Substitute), a bill creating the North Carolina Agricultural Facilities Finance Agency and authorizing said agency to finance the construction, acquisition and development of agricultural facilities, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Marion, Martin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—42.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H. B. 1040, a bill to increase examination and license fees for insurance agents, adjusters, appraisers, brokers, and companies; bail bondsmen and runners; collection agencies; and motor clubs, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Marion, Martin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—41.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 785 (Committee Substitute), a bill to be known as the North Carolina Time Share Act as recommended by the General Statutes Commission, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Forsyth, Barnes of Wayne, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Parnell, Plyler, Rand,

Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar, upon third reading.

H. B. 1201, a bill to change the eligibility requirements for use-value classification of agricultural land, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Parnell, Rand, Rauch, Redman, Royall, Staton, Swain, Tally, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright—41.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

S. B. 222, a bill to allow any unused portion of the tax credit provided for conversion of an industrial boiler to wood fuel to be carried forward for five years.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 436 (Committee Substitute No. 2), a bill to provide for the licensing of persons practicing occupational therapy.

The President rules the Committee Substitute bill No. 2. requires a call of the roll.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 41, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Davis, Duncan, Edwards of Guilford, Gray, Guy, Hancock, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Woodard—41.

Voting in the negative: Senators Childers, Harris of Mecklenburg, and Wright—3.

The Committee Substitute bill No. 2 remains on the Calendar, upon third reading.

S. B. 461, a bill to exempt newspaper advertising supplements from the North Carolina sales tax.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1191
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 14, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that Representative Mary Jarrell has replaced Representative Luther Jeralds as conferee on

Senate Committee Substitute for H. B. 1191, A BILL TO BE ENTITLED AN ACT TO EXEMPT PRIVATE HOMES OFFERING BED AND BREAKFAST ACCOMMODATIONS FROM THE FOOD AND LODGING REQUIREMENTS OF THE PUBLIC HEALTH LAWS AND TO AUTHORIZE THE HEALTH SERVICES COMMISSION TO ADOPT RULES BY JULY 1, 1984.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

S. B. 333, a bill to reduce the years a judge must have served before retirement to qualify as an emergency judge, for concurrence in House Amendments Nos. 1 and 2.

On motion of Senator Swain, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Senate concurs in House Amendments Nos. 1 and 2 (electronically recorded), and the bill is ordered enrolled.

H. B. 935 (Committee Substitute), a bill to establish the Criminal Justice Information System and Computerized Records Study Commission.

Referred to **Special Ways and Means Committee.**

H. B. 1240, a bill to provide confidentiality in legislative communications.

Referred to **Special Ways and Means Committee.**

H. B. 1393, a bill to rewrite the Gastonia Policemen's Supplementary Pension Fund Act.

Referred to **Special Ways and Means Committee.**

H. B. 1460, a bill to amend the Capital Improvements Appropriations Act to conform to the requirements of the 1983 Separation of Powers Act.

Referred to **Special Ways and Means Committee.**

H. B. 991 (Committee Substitute), a bill to regulate the use of hazardous waste landfill facilities for landfills not an integral part of a treatment facility.

Referred to **Special Ways and Means Committee.**

H. B. 1451, a bill to conform Subchapter 1 of Chapter 76A of the General Statutes affecting the Cape Fear River Navigation and Pilotage Commission with the provisions of Subchapter 2 of Chapter 76A affecting the Morehead City Navigation and Pilotage Commission.

Referred to **Special Ways and Means Committee.**

CALENDAR (Continued)

S. B. 676, a bill regarding security interests in certain livestock.

On motion of Senator Speed, consideration of the bill is postponed unitl Monday, July 18 (electronically recorded).

S. B. 681, a bill relating to bail bond forfeitures.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 682, a bill to prohibit possession and consumption of malt beverages and unfortified wine on public school property.

The bill passes its second reading (electronically recorded).

Senator Rauch offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S. B. 685, a bill concerning the transportation of farm products.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 202 (Committee Substitute), a bill to clarify the provisions for certification of local taxing officials and to provide a continuing education program for all persons engaged in the appraisal of property for taxation.

Senator Redman offers Amendment No. 1 which fails of adoption (electronically recorded).

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Wright to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. J. R. 693, a joint resolution setting the time for adjournment of the 1983 General Assembly to reconvene in 1984, and limiting the subjects that may be considered in that Session.

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

Senator Allsbrook offers Amendment No. 2 which fails of adoption (electronically recorded).

Senator Winner offers Amendment No. 3 which fails of adoption (electronically recorded).

Senator Royall offers Amendment No. 4 which is adopted (electronically recorded).

Senator Allsbrook offers Amendment No. 5 which is adopted (electronically recorded).

The joint resolution, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 206, a bill to simplify the listing of real and personal property in time-sharing arrangements.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 376 (Committee Substitute), a bill relating to the disposition of animals by animal shelters and pounds.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Staton to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

CONFERENCE REPORT

H. B. 1191

Senator Harris of Cleveland, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 1191** (Senate Committee Substitute), a bill to exempt private homes offering bed and breakfast accommodations from the food and lodging requirements of the public health laws and to authorize the Health Services Commission to adopt rules by July 1, 1984, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the fourth Edition, Engrossed on July 11, 1983, of House Bill 1191, A BILL TO BE ENTITLED AN ACT TO EXEMPT PRIVATE HOMES OFFERING BED AND BREAKFAST ACCOMMODATIONS FROM THE FOOD AND LODGING REQUIREMENTS OF THE PUBLIC HEALTH LAWS AND TO AUTHORIZE THE HEALTH SERVICES COMMISSION TO ADOPT RULES BY JULY 1, 1984, wish to report as follows: that the bill be amended
1. on page 1, line 18, by deleting Section 3 of the bill; and
2. on page 2, line 1, by renumbering Section 4 as Section 3.

To this end, we the Conferees, recommend that the House of Representatives and the Senate adopt this report.

This the 15th day of July 1983.

Ollie Harris	Charles D. Evans
James H. Edwards	Mary L. Jarrell
Russell Walker	B. P. Woodard
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

On motion of Senator Harris of Cleveland, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 881, a bill to allow the Dare County Airport Authority to adopt ordinances.
Referred to **Special Ways and Means Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1405, a bill to allow a court to reform interests in property that violate the rule against perpetuities.
Referred to **Special Ways and Means Committee.**

H. B. 1415, a bill to provide that a person appointed to fill a vacancy in an elected city office shall serve only until the next city election.
Referred to **Special Ways and Means Committee.**

The Chair declares the Senate in recess until 1:30 P.M. for the purpose of committee meetings.

AFTERNOON SESSION — 1:30 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Special Ways and Means Committee:**

H. B. 130 (Committee Substitute), a bill authorizing a refund of the excise tax levied on sacramental wine, with a favorable report.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration.

H. B. 1119 (Committee Substitute No. 2), a bill to amend the statute relating to payment and performance bonds for public contracts, with a favorable report.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Calendar for consideration.

H. B. 1189 (Committee Substitute), a bill to revise parts of Chapter 162A of the General Statutes relating to water and sewer authorities, with a favorable report.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration.

H. B. 1346, a bill concerning certification of crop seeds, with a favorable report.

On motion of Senator Swain, the rules are suspended and the bill is placed on today's Calendar for consideration.

H. B. 1366, a bill to amend the rule regarding depositions upon oral examination, with a favorable report.

On motion of Senator Swain, the rules are suspended and the bill is placed on today's Calendar for consideration.

H. B. 1403, a bill to amend Chapters 58 and 66 of the General Statutes to allow for limited licensing of motor club sales agents to provide insurance, with a favorable report.

On motion of Senator Swain, the rules are suspended and the bill is placed on today's Calendar for consideration.

H. B. 1460, a bill to amend the Capital Improvements Appropriations Act to conform to the requirements of the 1983 Separation of Powers Act, with a favorable report.

On motion of Senator Allsbrook, the rules are suspended and the bill is placed on today's Calendar for consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1464, a bill to amend Chapter 758 of the Session Laws of 1983 regarding the application of that Chapter.

Referred to **Pensions and Retirement Committee.**

H. B. 1465, a bill to authorize certain counties and cities to regulate abandoned, junked vechicles for aesthetic purposes.

Referred to **Special Ways and Means Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 1463, a bill to resolve a conflict between the Private Protective Services Act as amended by the 1983 General Assembly and the Alarm Systems Licensing Act as enacted by the 1983 General Assembly.

On motion of Senator Edwards of Caldwell, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

CALENDAR (Continued)

H. B. 810 (Senate Committee Substitute No. 2), a bill to establish the Governor's Administrative Rules Review Commission.

The Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

H. B. 130 (Committee Substitute), a bill authorizing a refund of the excise tax levied on sacramental wine.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 933 (Committee Substitute No. 2), a bill to authorize the alteration of a marriage license when a party to the marriage lawfully changes his or her name.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The Committee Substitute bill No. 2, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1090 (Senate Committee Substitute), a bill to limit the operation in North Carolina of trucks with two trailers and increased lengths and widths mandated by federal law and to conform the North Carolina law to federal requirements.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1119 (Committee Substitute No. 2), a bill to amend the statute relating to payment and performance bonds for public contracts.

The Committee Substitute bill No. 2 passes its second reading (electronically recorded).

On objection of Senator Thomas of Craven to its third reading, the Committee Substitute bill No. 2 remains on the Calendar for further consideration.

H. B. 1189 (Committee Substitute), a bill to revise parts of Chapter 162A of the General Statutes relating to water and sewer authorities.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Warren to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 1330 (Committee Substitute), a bill to provide a method to establish that a notice of sale has been posted at the courthouse as recommended by the General Statutes Commission.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1346, a bill concerning certification of crop seeds.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1366, a bill to amend the rule regarding depositions upon oral examination.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1403, a bill to amend Chapters 58 and 66 of the General Statutes to allow for limited licensing of motor club sales agents to provide insurance.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 376 (Committee Substitute), a bill relating to the disposition of animals by animal shelters and pounds.

Senator Staton withdraws his objection to the third reading of the Committee Substitute bill, and the bill is placed before the Senate for further consideration.

Senator Staton offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1419 (Senate Committee Substitute), a bill to amend G. S. 58-54.4 relating to the law prohibiting unfair business practices.

The Senate Committee Substitute bill passes its second and third readings (electronically recorded) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1460, a bill to amend the Capital Improvements Appropriations Act to conform to the requirements of the 1983 Separation of Powers Act.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

RE-REFERRAL

H. B. 1393, a bill to rewrite the Gastonia Policemen's Supplementary Pension Fund Act.

On motion of Senator Swain the bill is taken from the **Special Ways and Means Committee** and re-referred to the **Pensions and Retirement Committee.**

The Chair declares the Senate in recess for the purpose of a committee meeting.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Plyler for the **Pensions and Retirement Committee:**

H. B. 1393, a bill to rewrite the Gastonia Policemen's Supplementary Pension Fund Act, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1464, a bill to amend Chapter 758 of the Session Laws of 1983 regarding the application of that Chapter, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 426
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 15, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Com. Sub. for HCS for H. B. No. 426, A BILL TO BE ENTITLED AN ACT TO INCREASE STATE SALES AND USE TAXES BY ONE-HALF PERCENT, TO DISTRIBUTE THE INCREASE IN REVENUE TO COUNTIES AND CITIES FOR PUBLIC SCHOOLS, CLEAN WATER, AND OTHER CAPITAL NEEDS, AND TO AUTHORIZE VARIOUS TRANSIENT OCCUPANCY TAXES, and requests conferees. The Speaker has appointed Representatives Quinn, Chairman; Watkins, Hunter, Bowen, Murphy, Locks, and Rabon on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Rauch moves that the President appoint conferees, which motion prevails.

The President appoints Senators Rauch, Chairman; Duncan, Edwards of Guilford, Hunt, Jenkins, Staton, and Warren, as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 1191
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 15, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Sen. C. S. for H. B. No. 1191, A BILL TO BE ENTITLED AN ACT TO EXEMPT PRIVATE HOMES OFFERING BED AND BREAKFAST ACCOMMODATIONS FROM THE FOOD AND LODGING REQUIREMENTS OF THE PUBLIC HEALTH LAWS AND TO AUTHORIZE THE HEALTH SERVICES COMMISSON TO ADOPT RULES BY JULY 1, 1984, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

On motion of Senator Royall, seconded by Senator Ward, the Senate adjourns to meet Monday at 8:00 P.M.

ONE HUNDRED THIRTY-THIRD DAY

SENATE CHAMBER,
Monday, July 18, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, from Whom comes every good and perfect gift, we give You praise for all Your mercies, for Your goodness that created us, Your bounty that sustains us, Your patience that bears with us in our infirmities, and Your discipline that corrects and reproves us. Grant us thankful hearts to remember Your loving-kindness daily, and help us to show our gratitude to You by giving ourselves in service to Your world, delighting in all things to do Your will. As You have loved us, so let us show our love for sisters and brothers as we work for the good of this State and nation. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Soles, Tally, and Royall for tonight, to Senator Johnson for tomorrow, July 19, to Senators Soles and Tally for July 19 and 20, to Senator Royall for July 19, 20, and 21, and to Senator Marvin for tonight through adjournment.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 223 (Committee Substitute), an act to provide enabling legislation for the consolidation and merger of the Eden City Schools Administrative Unit, the Madison-Mayodan Administrative Unit, the Reidsville City Administrative Unit and the Rockingham County Schools Administrative unit. (Ch. 783)

S. B. 333, an act to reduce the years a judge must have served before retirement to qualify as an emergency judge. (Ch. 784)

S. B. 556 (Committee Substitute), an act to amend G. S. 143-134.1 to require timely payments to subcontractors and to prevent retainage percentages on subcontract payments to exceed those on prime contract payments. (Ch. 804)

S. B. 626, an act to tax all commercially manufactured swine, livestock, and poultry equipment used by farmers at a uniform rate. (Ch. 805)

S. B. 638, an act to make a technical amendment to Chapter 23 of the 1983 Session Laws to authorize the Department of Human Resources to fix payments for services rendered to the public. (Ch. 806)

S. B. 642, an act to make changes to the membership and appointment authority of the North Carolina Criminal Justice Education and Training Standards Commission. (Ch. 807)

S. B. 647, an act to abolish the sale of tax liens to private purchasers. (Ch. 808)

H. B. 60 (Committee Substitute), an act to clarify the law concerning underinsured motorist coverage. (Ch. 777)

H. B. 130 (Committee Substitute), an act authorizing a refund of the excise tax levied on sacramental wine. (Ch. 792)

H. B. 206, an act to simplify the listing of real and personal property in time-sharing arrangements. (Ch. 785)

H. B. 230 (Committee Substitute), an act to provide an income tax credit for certain real properties donated for conservation purposes. (Ch. 793)

H. B. 255 (Senate Committee Substitute), an act to amend General Statutes Chapter 74C, the Private Protective Services Act. (Ch. 794)

H. B. 265, an act to establish the North Carolina Housing Commission. (Ch. 778)

H. B. 322 (Committee Substitute), an act authorizing the Department of Human Resources to designate geographic areas within which a solid waste management plan will provide for the collection and disposal of solid waste; requiring waste generated within said areas to be disposed of at permitted solid waste management facilities; authorizing cities and counties to evaluate proposals and negotiate contracts on the basis of factors other than price alone; and expanding the powers of municipalities with respect to the issuance of revenue bonds for systems, facilities and equipment for the collection, treatment or disposal of solid waste. (Ch. 795)

H. B. 459 (Committee Substitute), an act exempting the County of Gaston from the provisions of Article 12, Chapter 160A of the General Statutes, as to leases of real estate owned by it known as Gaston Memorial Hospital Property and the sale of personal property used for the hospital. (Ch. 796)

H. B. 683 (Senate Committee Substitute), an act to rewrite G. S. 20-217 pertaining to passing stopped school buses and receiving or discharging passengers from school buses stopped on divided roadways. (Ch. 779)

H. B. 709 (Senate Committee Substitute), an act to establish the Alarm Systems Licensing Act. (Ch. 786)

H. B. 724, an act to limit motorboat noise on various lakes. (Ch. 787)

H. B. 882, an act to repeal Chapter 331 of the Session Laws of 1981 concerning the Mecklenburg County Alcoholic Beverage Control Board. (Ch. 788)

H. B. 910 (Committee Substitute), an act creating the North Carolina Agricultural Facilities Finance Agency and authorizing said agency to finance the construction, acquisition and development of agricultural facilities. (Ch. 789)

H. B. 1040, an act to increase examination and license fees for insurance agents, adjusters, appraisers, brokers, and companies; bail bondsmen and runners; collection agencies; and motor clubs. (Ch. 790)

H. J. R. 1211, a joint resolution memorializing the Congress to pass emergency legislation to open up the treacherous channel at Oregon Inlet. (Res. 48)

H. B. 1253, defining legislative bribery and consolidating the statutes relating thereto. (Ch. 780)

H. B. 1314 (Committee Substitute), an act to authorize cities to sell property in community development programs to redevelopers at private sale. (Ch. 797)

H. B. 1326 (Senate Committee Substitute), an act to allow a limited driving privilege upon conviction of speeding violations. (Ch. 798)

H. B. 1330 (Committee Substitute), an act to provide a method to establish that a notice of sale has been posted at the courthouse as recommended by the General Statutes Commission. (Ch. 799)

H. B. 1342, an act to limit the use of center-fire rifles in Harnett County. (Ch. 791)

H. B. 1346, an act concerning certification of crop seeds. (Ch. 800)

H. B. 1366, an act to amend the rule regarding depositions upon oral examination. (Ch. 801)

H. B. 1380, an act to recognize that the sun has set and night should fall on the Law Enforcement Officers' Minimum Salary Act. (Ch. 781)

H. B. 1382, an act to permit employees of the State Employees' Credit Union the option of terminating membership in the Teachers' and State Employees' Retirement System. (Ch. 782)

H. B. 1393, an act to rewrite the Gastonia Policemen's Supplementary Pension Fund Act. (Ch. 809)

H. B. 1403, an act to amend Chapters 58 and 66 of the General Statutes to allow for limited licensing of motor club sales agents to provide insurance. (Ch. 802)

H. B. 1460, an act to amend the Capital Improvements Appropriations Act to conform to the requirements of the 1983 Separation of Powers Act. (Ch. 803)

H. B. 1463, an act to resolve a conflict between the Private Protective Services Act as amended by the 1983 General Assembly and the Alarm Systems Licensing Act as enacted by the 1983 General Assembly. (Ch. 810)

H. B. 1464, an act to amend Chapter 758 of the Session Laws of 1983 regarding the application of that Chapter. (Ch. 811)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Walker:

S. B. 695, a bill to appropriate funds to match federal vocational educational funds for the handicapped.
Referred to **Appropriations Committee.**

Senator White moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator White:

S. B. 696, a bill to appropriate funds for the Martin County Players.
Referred to **Appropriations Committee.**

Senator Davis moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Davis:

S. B. 697, a bill to appropriate funds for Highway Patrol badges.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 520, a bill regarding cohabitation as a changed circumstance for alimony.
Referred to **Judiciary III Committee.**

H. B. 1261, a bill to provide workers' compensation for farm workers on farms with ten or more workers.
Referred to **Special Ways and Means Committee.**

H. B. 1352 (Committee Substitute), a bill to provide a fair procedure in partition sales.
Referred to **Special Ways and Means Committee.**

H. B. 1386, a bill to amend the law regarding escheat receipts.
Referred to **Special Ways and Means Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1433, a bill to amend the law regarding Person County's acquisition of property by eminent domain for airport purposes, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Staton, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 41.

Voting in the negative: None.

The bill remains on the Calendar, upon third reading.

H. B. 1443, a bill to establish the Butner Fire and Police Protection District, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Staton, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 41.

Voting in the negative: None.

The bill remains on the Calendar, upon third reading.

S. B. 436 (Committee Substitute No. 2), a bill to provide for the licensing of persons practicing occupational therapy, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 40, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Staton, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Woodard — 40.

Voting in the negative: Senators Childers and Wright — 2.

The Committee Substitute bill No. 2 is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 489 (Senate Committee Substitute), a bill to clarify, restrict and amend the law relating to the operation of bingo games and raffles, as amended, upon third reading.

Senator Martin offers a motion that the Senate Committee Substitute bill, as amended, be re-referred to the **Judiciary III Committee.** The motion offered by Senator Martin fails to prevail (electronically recorded).

Senator Winner offers Amendment No. 5 which is adopted (electronically recorded).

Senator Winner offers Amendment No. 6. Senator Winner calls the previous question, duly seconded. The call is sustained. Amendment No. 6 is adopted (electronically recorded).

Senator Swain offers Amendment No. 7 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 37, noes 4, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Childers, Davis, Edwards of Caldwell, Gray, Guy, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Lawing, Marion, Marvin, Parnell, Plyler, Rauch, Redman, Speed, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 37.

Voting in the negative: Senators Barnes of Forsyth, Edwards of Guilford, Martin, and Rand — 4.

The Senate Committee Substitute bill, as amended, is ordered, without objection, sent to the House of Representatives by special messenger, without engrossment, for concurrence in the amended Senate Committee Substitute bill.

H. B. 785 (Committee Substitute), a bill to be known as the North Carolina Time Share Act as recommended by the General Statutes Commission, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 42.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H. B. 1201, a bill to change the eligibility requirements for use-value classification of agricultural land, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 43.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1420, a bill to allow cities to levy property taxes for drainage programs, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 42.

Voting in the negative: None.

The bill remains on the Calendar, upon third reading.

H. B. 202 (Committee Substitute), a bill to clarify the provisions for certification of local taxing officials and to provide a continuing education program for all persons engaged in the appraisal of property for taxation, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

S. B. 676, a bill regarding security interests in certain livestock.

On motion of Senator Plyler, the bill is recommitted to the **Special Ways and Means Committee.**

H. B. 1119 (Committee Substitute No. 2), a bill to amend the statute relating to payment and performance bonds for public contracts, upon third reading.

The Committee Substitute bill No. 2 passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 1189 (Committee Substitute), a bill to revise parts of Chapter 162A of the General Statutes relating to water and sewer authorities, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 1028, a bill to allow private peer review in domiciliary homes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee:**

S. B. 247, a bill to change the employment status of blind persons licensed by the State and working as Randolph-Sheppard vendors under contract with the Department of Human Resources, with a favorable report.

On motion of Senator Hardison, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 148, a bill to increase the interest rate paid on highway condemnation judgments to conform to the legal interest rate, with a favorable report.

On motion of Senator Hardison, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1176, a bill to give public schools equal priority in borrowing library films, with a favorable report.

On motion of Senator Hardison, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S. B. 59, a bill to increase the membership of the Commission on Children with Special Needs — 2, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 116, a bill to appropriate funds for the purpose of implementing H. B. 124, Involuntary Outpatient Commitment, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 146 (Committee Substitute), a bill to establish the North Carolina income tax refund checkoff program for the management of nongame and endangered species, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill No. 2 is adopted.

The Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 291, a bill relating to the prevention of child abuse and neglect and establishing a Children's Trust Fund for that purpose, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 370, a bill to provide funds for the perinatal program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 419, a bill regarding reversion of funds appropriated for a study of the White Oak River for Fiscal Year 1982-83, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, which changes the title to read **S. B. 419,** a bill regarding reversion of funds appropriated for a study of the White Oak River for Fiscal Years 1981-82 and 1982-83.

On motion of Senator Hardison, the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 437, a bill to provide incentive pay for State employees for gains in economy and efficiency in the rendering of governmental services, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 458, a bill to enable all public school employees to earn and accumulate annual vacation leave at the same rate as that provided for State employees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 495 (Committee Substitute), a bill to make interstate transfers of prisoners more open to public scrutiny, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill No. 2 is adopted.

The Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 518, a bill to create the Legislative Commission on Medical Cost Containment, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 552, a bill to appropriate funds for the State Adult Day-Care Program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 554, a bill to appropriate funds to the Department of Justice to provide for implementation of the Radar Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 570, a bill to authorize a review of the State's disability determination services, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 601, a bill to appropriate funds for "Signal 25 Communicators" for the highway patrol, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 688, a bill to appropriate funds to permit a member of the Teachers' and State Employees' Retirement System or of the Law Enforcement Officers' Retirement System to retire with full benefits after completing twenty-eight years' service with the System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 688** (Committee Substitute), a bill urging the Second Session of the 1983 General Assembly to consider adopting an unreduced retirement allowance for teachers, State employees and law enforcement officers with twenty-eight years' of service, is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 110 (Senate Committee Substitute No. 2), a bill to authorize the Legislative Committee on Occupational and Professional Licensure to assess proposals for the establishment or revision of licensing laws and programs according to criteria and procedures specified herein, with an unfavorable report as to Senate Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill No. 3.

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill No. 3 is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill No. 3 is adopted.

The Senate Committee Substitute bill No. 3 passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 3.

H. B. 177 (Senate Committee Substitute), a bill providing compensation for innocent victims of crime, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill No. 2 is adopted.

The President rules Senate Committee Substitute bill No. 2 does not require a call of the roll.

The Senate Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

H. B. 368 (Committee Substitute), a bill to amend Chapter 97 of the General Statutes to define injury by accident for workers' compensation, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 543 (Committee Substitute), a bill to permit the issuance of a certificate of need for nursing homes in qualifying counties that do not have nursing homes, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 583 (Senate Committee Substitute), a bill to provide time to study the need for new intermediate care facility beds for the mentally retarded, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Hardison, the rules are suspended and the Senate Committee

Substitute bill No. 2 is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill No. 2 is adopted.

The Senate Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

H. B. 932, a bill to provide court-ordered parent participation in treatment in certain juvenile cases, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted,

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1050 (Committee Substitute), a bill creating a committee for a comprehensive study of the property tax system in North Carolina, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1177, a bill to require the Department of Administration to publish a North Carolina Purchase Registry, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1196, a bill to place the President of the North Carolina Society of Fire Instructors and the President of the North Carolina Association of Fire Marshalls on the State Fire Commission, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 1196** (Senate Committee Substitute), a bill to place the President of the North Carolina Society of Fire Instructors on the State Fire Commission, is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1318, a bill to amend the membership composition of the Governor's Waste Management Board, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

July 18, 1983

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in the Senate Committee Substitute bill.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

H. B. 559 (Committee Substitute), a bill to prohibit the use of landfilling for certain classes of hazardous wastes and other solid wastes, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Lawing, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 559** (Senate Committee Substitute), a bill to allow the State to regulate hazardous waste landfills and surface impoundments for the protection of the public health, safety and welfare, is placed before the Senate for immediate consideration.

On motion of Senator Lawing, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, July 19.

By Senator Swain for the **Special Ways and Means Committee:**

H. B. 935 (Committee Substitute), a bill to establish the Criminal Justice Information System and Computerized Records Study Commission, with a favorable report.

H. B. 1415, a bill to provide that a person appointed to fill a vacancy in an elected city office shall serve only until the next city election, with a favorable report.

H. B. 1465, a bill to authorize certain counties and cities to regulate abandoned, junked vehicles for aesthetic purposes, with a favorable report.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 806 (Committee Substitute No. 3), a bill to clarify the duty to stop in event of a motor vehicle accident.

Referred to **Special Ways and Means Committee.**

H. B. 1466, a bill regarding discounts for payments of property tax in Cabarrus County.

On motion of Senator Tison, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

On motion of Senator Lawing, seconded by Senator Thomas of Craven, the Senate adjourns to meet tomorrow at 10:30 A.M.

ONE HUNDRED THIRTY-FOURTH DAY

SENATE CHAMBER,
Tuesday, July 19, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Heavenly Father, we have the responsibility for making decisions that affect the lives of the people of North Carolina. It is my prayer that we be aware of 'The Golden Rule' and continue to use this rule along with our Senate rules as we consider our legislation.

"We continue to need and seek Your help and guidance as we attempt to make the best decisions on the many bills we have to consider in these last days.

"This request is made in Thy Name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Staton for a portion of today's Session.

Leaves of absence granted previously to Senators Royall, Tally, Marvin, Johnson, and Soles are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee:**

H. B. 814 (Committee Substitute), a bill to regulate the practice of midwifery, with a favorable report.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration.

H. B. 1368, a bill to allow five acre horticultural tracts to qualify for use valuation, with a favorable report.

On motion of Senator Rauch, the rules are suspended and the bill is placed on today's Calendar for consideration.

By Senator Harris of Cleveland for the **Human Resources Committee:**

H. B. 214, a bill to amend the requirements for operating residential child-care and child-placement facilities, with an unfavorable report.

H. B. 215, a bill to amend the requirements for operating residential maternity care homes, with an unfavorable report.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1433, a bill to amend the law regarding Person County's acquisition of property by eminent domain for airport purposes, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray,

Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Marion, Martin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright — 38.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1443, a bill to establish the Butner Fire and Police Protection District, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Marion, Martin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Swain, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright — 38.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1465, a bill to authorize certain counties and cities to regulate abandoned, junked vehicles for aesthetic purposes.

The bill passes its second (electronically recorded) and third readings.

Without objection, Senator Marion moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

Senator Marion offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1420, a bill to allow cities to levy property taxes for drainage programs, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Forsyth, Childers, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Lawing, Marion, Martin, Parnell, Plyler, Rand, Rauch, Speed, Swain, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 35.

Voting in the negative: Senator Thomas of Craven — 1.

The bill is ordered enrolled.

H. B. 559 (Senate Committee Substitute), a bill to regulate hazardous waste landfills and surface impoundments for the protection of the public health, safety and welfare.

Without objection, the Senate Committee Substitute bill is temporarily displaced.

H. B. 935 (Committee Substitute), a bill to establish the Criminal Justice Information System and Computerized Records Study Commission.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1368, a bill to allow five acre horticultural tracts to qualify for use valuation.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1415, a bill to provide that a person appointed to fill a vacancy in an elected city office shall serve only until the next city election.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 814 (Committee Substitute), a bill to regulate the practice of midwifery, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 33, noes 4, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes of Wayne, Barnes of Forsyth, Childers, Davis, Duncan, Edwards of Caldwell, Gray, Guy, Hancock, Harris of Cleveland, Hipps, Hunt, Jordan, Lawing, Marion, Martin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, White, Woodard, and Wright — 33.

Voting in the negative: Senators Harrington, Harris of Mecklenburg, Warren, and Winner — 4.

The Committee Substitute bill, as amended, remains on the Calendar, upon third reading.

RE-REFERRALS

S. B. 77 (Committee Substitute), a bill providing for alternative means of dispute resolution.

Without objection, on motion of Senator Martin the Committee Substitute bill is taken from the **Special Ways and Means Committee** and recommitted to the **Appropriations Committee.**

S. B. 588, a bill to allow State agencies to recruit, train, register, and accept volunteers for State service.

Without objection, on motion of Senator Martin the bill is taken from the **Special Ways and Means Committee** and recommitted to the **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 489
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 19, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Com. Sub. for HCS to H. B. No. 489, A BILL TO BE ENTITLED AN ACT TO CLARIFY, RESTRICT AND AMEND THE LAW RELATING TO THE OPERATION OF BINGO GAMES AND RAFFLES, and requests conferees. The Speaker has appointed Representatives Bruce Ethridge, Hackney, Lancaster, and Payne on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

July 19, 1983

Senator Lawing moves that the President appoint conferees, which motion prevails. The President appoints Senators Lawing, Chairman; Jenkins, Swain, Hancock, and Duncan as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Chair declares the Senate in recess until 11:25 A.M. for the purpose of committee meetings.

MORNING SESSION — 11:25 A.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 148, an act to increase the interest rate paid on highway condemnation judgments to conform to the legal interest rate. (Ch. 812)

H. B. 202 (Committee Substitute), an act to clarify the provisions for certification of local taxing officials and to provide a continuing education program for all persons engaged in the appraisal of property for taxation. (Ch. 813)

H. B. 785 (Committee Substitute), an act to be known as the North Carolina Time Share Act as recommended by the General Statutes Commission. (Ch. 814)

H. B. 945, an act concerning the reporting of certain transactions in United States currency. (Ch. 815)

H. B. 1028, an act to allow private peer review in domiciliary homes. (Ch. 816)

H. B. 1117 (Senate Committee Substitute), an act to amend the North Carolina Securities Act. (Ch. 817)

H. B. 1119 (Committee Substitute No. 2), an act to amend the statute relating to payment and performance bonds for public contracts. (Ch. 818)

H. B. 1176, an act to give public schools equal priority in borrowing library films. (Ch. 819)

H. B. 1189 (Committee Substitute), an act to revise parts of Chapter 162A of the General Statutes relating to water and sewer authorities. (Ch. 820)

H. B. 1201, an act to change the eligibility requirements for use-value classification of agricultural land. (Ch. 821)

H. B. 1343, an act to protect artists' rights in artwork on consignment. (Ch. 822)

H. B. 1466, an act regarding discounts for payments of property tax in Carbarrus County. (Ch. 823)

The Chair declares the Senate in recess for the purpose of committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 229 (House Committee Substitute No. 2), a bill requiring a cost statement to appear on State publications, for concurrence in the House Committee Substitute bill No. 2.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Senate concurs in the House Committee Substitute bill No. 2 (electronically recorded), and the bill is ordered enrolled.

S. B. 433 (House Committee Substitute), a bill to provide that the guardian *ad litem* appointed for a juvenile alleged abused or neglected may petition for termination of parental rights, for concurrence in the House Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Senate concurs (electronically recorded) in the House Committee Substitute bill, and the bill is ordered enrolled.

H. B. 33 (Committee Substitute No. 2), a bill to appropriate funds to the Administrative Office of the Courts.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

Senator Hardison offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill No. 2, as amended, passes its second (electronically recorded) and third readings.

Senator Swain moves that the vote by which the Committee Substitute bill No. 2, as amended, passed its third reading be reconsidered, which motion prevails.

After further debate, the Committee Substitute bill No. 2 passes its third reading (electronically recorded) and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H. B. 34 (Committee Substitute), a bill to provide all senior colleges with copies of the Session Laws and House and Senate Journals.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 164 (Committee Substitute), a bill to provide funds for screening for neural tube defects.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

July 19, 1983

H. B. 451 (Committee Substitute No. 2), a bill to provide for the publication of summaries of proposed constitutional amendments.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

The Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 478 (Committee Substitute), a bill to appropriate funds to the Division of Mental Health, Mental Retardation and Substance Abuse Services of the Department of Human Resources for the purpose of increasing Adult Developmental Activity Programs' monthly subsidy.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Hardison offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, returned to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H. B. 509 (Committee Substitute), a bill to appropriate funds for Lutheran Family Services in North Carolina, Inc., as a grant-in-aid to a private child-caring institution.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 538 (Committee Substitute), a bill to provide funds for maternity home care.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 581 (Committee Substitute), a bill to appropriate matching funds for county day-care coordinating agencies.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 726, a bill to clarify the disposition of revenue generated by the sale of personalized registration plates.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 745 (Committee Substitute), a bill to appropriate funds to reduce the undue burden placed on Warren County after having to absorb the PCB toxic waste that was spread over some fourteen counties and Fort Bragg.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 797 (Committee Substitute), a bill authorizing the Attorney General to designate an attorney to specialize in the law of the handicapped.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 990 (Committee Substitute), a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects by constituent institutions of the University of North Carolina.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1017 (Committee Substitute), a bill to appropriate funds to the Department of Agriculture for Western North Carolina market development.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1018 (Committee Substitute), a bill to appropriate funds for the acquisition of parkland and the construction of forest resources county headquarters.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1112 (Committee Substitute), a bill to amend Chapter 163 of the General Statutes to authorize registration of voters by driver license examiners of the Division of Motor Vehicles.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1122 (Committee Substitute No. 2), a bill to create the New Technology Jobs Act.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

The Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1137 (Committee Substitute), a bill to provide an education program specialist and a media technician to aid medical professionals and parents, and educators of hearing impaired children.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1161 (Committee Substitute), a bill to appropriate funds to the Department of Cultural Resources for the Committee on Art in State Buildings.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. J. R. 1185, a joint resolution directing the Mental Health Study Commission to prepare a recodification draft of Chapter 122 of the General Statutes, titled "Hospitals for the Mentally Disordered", and of related statutes.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1219 (Committee Substitute), a bill to appropriate funds for electronic data processing for the Department of Insurance.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1307 (Committee Substitute), a bill to create the Public Education Policy Council.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1329 (Committee Substitute), a bill to increase the rate of support in specialized community residential centers serving mentally retarded children.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Hardison offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, returned to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H. B. 1395, a bill to permit certain grants of certificates of need.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

The Chair declares the Senate in recess for the purpose of committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 258, a joint resolution authorizing continuation of the Joint Special Committee to Review the Department of Transportation. (Res. 49)

H. B. 688 (Senate Committee Substitute), an act to amend the licensing of domiciliary homes for the aged and disabled and the Domiciliary Bill of Rights. (Ch. 824)

H. B. 935 (Committee Substitute), an act to establish the Criminal Justice Information System and Computerized Records Study Commission. (Ch. 825)

H. B. 1368, an act to allow five acre horticultural tracts to qualify for use valuation. (Ch. 826)

H. B. 1415, an act to provide that a person appointed to fill a vacancy in an elected city office shall serve only until the next city election. (Ch. 827)

H. B. 1420, an act to allow cities to levy property taxes for drainage programs. (Ch. 828)

H. B. 1433, an act to amend the law regarding Person County's acquisition of property by eminent domain for airport purposes. (Ch. 829)

H. B. 1443, an act to establish the Butner Fire and Police Protection District. (Ch. 830)

H. B. 1419 (Senate Committee Substitute), an act to amend G. S. 58-54.4 relating to the law prohibiting unfair business practices. (Ch. 831)

CALENDAR (Continued)

H. B. 559 (Senate Committee Substitute), a bill to allow the State to regulate hazardous waste landfills and surface impoundments for the protection of the public health, safety and welfare.

Senator Jenkins offers Amendment No. 1 which is adopted (electronically recorded).

Senator Hancock offers Amendment No. 2 which fails of adoption (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill without engrossment.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1458, a bill to allow Forsyth County to levy a room occupancy and tourism development tax.

Referred to **Finance Committee.**

H. B. 1468, a bill to clarify the procedure for filing temporary rules.

On motion of Senator Jordan, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1469, a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives.

On motion of Senator Lawing, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S. B. 165 (Committee Substitute), a bill to create the felony offenses of use of a child in a sexual performance and promoting a sexual performance by a child, for concurrence in the House Committee Substitute bill, which changes the title to read, **S. B. 165** (House Committee Substitute), a bill to create the felony offenses of child abuse, use of a child in a sexual performance, and promoting a sexual performance by a child.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Without objection, the Chair orders the House Committee Substitute bill placed on the Calendar for tomorrow, July 20.

H. B. 933
(Committee Substitute No. 2)

HOUSE OF REPRESENTATIVES
July 19, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to Com. Sub. #2 for H. B. No. 933, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALTERATION OF A MARRIAGE LICENSE WHEN A PARTY TO THE MARRIAGE LAWFULLY CHANGES HIS OR HER NAME, and requests conferees. The Speaker has appointed Representatives Blue, Chairman; Lancaster, and Ballance on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Swain moves that the President appoint conferees, which motion prevails. The President appoints Senators Swain, Jenkins, and Edwards of Caldwell as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Lawing moves that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Lawing:

S. B. 698, a bill to appoint persons to public office upon the recommendation of the President Pro Tempore of the Senate.

On motion of Senator Lawing, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

Senator Lawing moves that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Lawing:

S. B. 699, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate.

On motion of Senator Lawing, the rules are suspended and the bill is placed before the Senate for immediate consideration.

Senator Lawing offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, engrossed and sent to the House of Representatives, without objection, by special messenger.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Special Ways and Means Committee:**

H. B. 1240 (Committee Substitute), a bill to provide confidentiality in legislative communications, with a favorable report, as amended.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Rand to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

CONFERENCE REPORT

S. B. 141 (Senate Committee Substitute)

Senator Lawing, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 141** (House Committee Substitute), a bill to rewrite the public health laws, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for the Senate Committee Substitute for Senate Bill 141, A BILL TO BE ENTITLED AN ACT TO REWRITE THE PUBLIC HEALTH LAWS wish to report as follows: The Senate concurs in the House Committee Substitute with the following amendments:

July 19, 1983

(1) on page 14, lines 5, and 6, by deleting "(e) and (h)", and by substituting "(d) and (g)";
(2) on page 21, line 5, by changing "9" to "11";
(3) on page 21, line 10, by changing "two" to "four",
(4) on page 252, lines 14 and 18, change the word "local" to "district" in both places in which it appears;
(5) on page 254, lines 21, and 22, by deleting "; provided that the Current Operations Appropriations Act of 1983 has been ratified";
(6) on page 136, line 9, by deleting the words "who travels and stays" and by adding after the word "operations," the words "and a worker's dependents who travel and stay";
(7) on page 136, line 15, by changing "10" to "13";
(8) on page 1, line 5, by adding at the end of the line the citation "130-166.21D,";
(9) on page 182, line 18, delete the letter "(a)";
(10) on page 183, lines 4 through 9, delete those lines in their entirety.

And the House concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of July, 1983.

W. Craig Lawing
Henson P. Barnes
W. Gerry Hancock, Jr.
Harold W. Hardison
Ollie Harris
Marshall A. Rauch
Kenneth C. Royall, Jr.
Robert S. Swain
Conferees on the part of the Senate

Barney Paul Woodard
Sam L. Beam
Bobby R. Etheridge
William T. Grimsley
Joe Hackney
Robert C. Hunter
Dwight W. Quinn
John W. Varner
Conferees on the part of the House of Representatives

On motion of Senator Lawing, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Chair declares the Senate in recess until 4:30 P.M. for the purpose of committee meetings.

AFTERNOON SESSION — 4:30 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

CONFERENCE REPORT

H. B. 426 (Senate Committee Substitute)

Senator Rauch, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 426** (Senate Committee Substitute), a bill to increase State sales and use taxes by one-half percent, to distribute the increase in

revenue to counties and cities for public schools, clean water, and other capital needs, and to authorize various transient occupancy taxes, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and House of Representatives on the Senate Committee Substitute for the House Committee Substitute for House Bill 426, A BILL TO BE ENTITLED AN ACT TO INCREASE STATE SALES AND USE TAXES BY ONE-HALF PERCENT, TO DISTRIBUTE THE INCREASE IN REVENUE TO COUNTIES AND CITIES FOR PUBLIC SCHOOLS, CLEAN WATER, AND OTHER CAPITAL NEEDS, AND TO AUTHORIZE VARIOUS TRANSIENT OCCUPANCY TAXES, wish to report as follows: The House concurs in the Senate Committee Substitute with the following amendments:

(1) on page 1, lines 2 through 5, by rewriting those lines to read: "AN ACT TO AUTHORIZE COUNTIES TO LEVY ONE-HALF PERCENT SALES AND USE TAXES AND TO DESIGNATE HOW PART OF THE REVENUE FROM THESE TAXES SHALL BE USED, TO ALLOW CERTAIN CITIES TO SPEND SALES TAX REVENUE ON HOUSING, AND TO AUTHORIZE VARIOUS TRANSIENT OCCUPANCY TAXES.";

(2) on page 1, line 7, through page 3, line 10, by deleting those lines and inserting in lieu thereof the following:

"Part I. Local Sales and Use Taxes.

"Sec. 1. Subchapter VIII of Chapter 105 of the General Statutes is amended by adding two new Articles to read:

'Article 40.

'Supplemental Local Government Sales and Use Taxes.

'§105-480. **Short title.** — This Article shall be known as the Supplemental Local Government Sales and Use Tax Act.

'§105-481. **Purpose and intent.** — It is the purpose of this Article to afford the counties and cities of this State an opportunity to obtain an added source of revenue with which to meet their growing financial needs, and to reduce their reliance on other revenues, such as the property tax, by providing all counties of the State that are subject to this Article with authority to levy one-half percent (1/2%) sales and use taxes.

'§105-482. **Limitations.** — This Article applies only to counties that levy one percent (1%) sales and use taxes under Article 39 of this Chapter or under Chapter 1096 of the 1967 Session Laws and do not levy one-half percent (1/2%) local sales and use taxes under Article 41 of this Chapter.

'§105-483. **Levy and collection of additional taxes.** — Any county subject to this Article may levy one-half percent (1/2%) local sales and use taxes in addition to any other State and local sales and use taxes levied pursuant to law. Except as provided in this Article, the adoption, levy, collection, distribution, administration, and repeal of these additional taxes shall be in accordance with Article 39 of this Chapter. In applying the provisions of Article 39 of this Chapter to this Article, references to "this Article" mean Article 40 of Chapter 105. All taxes levied pursuant to this Article shall be collected by the Secretary and may not be collected by a taxing county. The exemption for building materials in G. S. 105-468.1 does not apply to taxes levied under this Article.

July 19, 1983

'§105-484. **Form of ballot.** — (a) The form of the question to be presented on a ballot for a special election concerning the additional taxes authorized by this Article shall be: "FOR additional one-half percent (1/2%) local sales and use taxes" or "AGAINST additional one-half percent (1/2%) local sales and use taxes."

(b) The form of the question to be presented on a ballot for a special election concerning the repeal of any additional taxes levied pursuant to this Article shall be: "FOR repeal of the additional one-half percent (1/2%) local sales and use taxes" or "AGAINST repeal of the additional one-half percent (1/2%) local sales and use taxes."

'§105-485. **Retail collection bracket.** — The following bracket applies to collections by retailers in a county that levies additional sales and use taxes under this Article:

(1) No amount on sales of less than 10¢;

(2) 1¢ on sales of 10¢ to 25¢;

(3) 2¢ on sales of 26¢ to 53¢;

(4) 3¢ on sales of 54¢ to 75¢;

(5) 4¢ on sales of 76¢ to 95¢;

(6) 5¢ on sales of 96¢ to $1.22; and

(7) Sales of over $1.22 — straight four and one-half percent (4-1/2%) with major fractions governing.

'§105-486. **Distribution and use of additional taxes.** — The Secretary shall, on a quarterly basis, distribute the net proceeds of the additional one-half percent (1/2%) sales and use taxes levied under this Article to the taxing counties on a per capita basis according to the most recent annual population estimates certified to the Secretary by the State Budget Officer. The amount distributed to a taxing county shall then be divided among the county and its municipalities in accordance with the method by which the one percent (1%) sales and use taxes levied in that county pursuant to Article 39 of this Chapter or Chapter 1096 of the 1967 Session Laws are distributed. If any taxes levied under this Article by a county have not been collected in that county for a full quarter because of the levy or repeal of the taxes, the Secretary shall distribute a pro rata share to that county for that quarter based on the number of months the taxes were collected in that county during the quarter.

'§105-487. **Use of additional tax revenue by counties and municipalities.** — (a) Except as provided in subsection (c), forty percent (40%) of the revenue received by a county from additional one-half percent (1/2%) sales and use taxes levied under this Article during the first five fiscal years in which the additional taxes are in effect in the county and thirty percent (30%) of the revenue received by a county from these taxes in the second five fiscal years in which the taxes are in effect in the county may be used by the county only for public school capital outlay purposes or to retire any indebtedness incurred by the county for these purposes.

(b) Except as provided in subsection (c), forty percent (40%) of the revenue received by a municipality from additional one-half percent (1/2%) sales and use taxes levied under this Article during the first five fiscal years in which the additional taxes are in effect in the municipality and thirty percent (30%) of the revenue received by a municipality from these taxes in the second five fiscal years in which the taxes are in effect in the municipality may be used by the municipality only for water and sewage capital outlay purposes or to retire any indebtedness incurred by the municipality for these purposes.

(c) The Local Government Commission may, upon petition by a county or municipality, authorize a county or municipality to use part or all its tax revenue, otherwise required by subsection (a) or (b) to be used for public schools or water and sewage capital needs, for any lawful purpose. The petition shall be in the form prescribed by the Local Government

Commission and shall demonstrate that the county or municipality can provide for its public school or water and sewage capital needs without restricting the use of part or all of the designated amount of the additional one-half percent (1/2%) sales and use tax revenue for these purposes.

In making its decision, the Local Government Commission may consider information from sources other than the petition. The Commission shall issue a written decision on each petition stating the findings of the Commission concerning the public school or water and sewage capital needs of the petitioning county or municipality and the percentage of revenue otherwise restricted by subsection (a) or (b) that may be used by the petitioning county or municipality for any lawful purpose.

Decisions of the Commission allowing counties or municipalities to use a percentage of their tax revenue that would otherwise be restricted under subsection (a) or (b) for any lawful purpose are final and shall continue in effect until the restrictions imposed by those subsections expire. A county or municipality whose petition is denied, in whole or in part, by the Commission may subsequently submit a new petition to the Commission.

(d) For purposes of determining the number of fiscal years in which one-half percent (1/2%) sales and use taxes levied under this Article have been in effect in a county or municipality, these taxes are considered to be in effect only from the effective date of the levy of these taxes and are considered to be in effect for a full fiscal year during the first year in which these taxes were in effect, regardless of the number of months in that year in which the taxes were actually in effect.

(e) A county or municipality may expend part or all of the revenue restricted for public school or water and sewage capital needs pursuant to subsections (a) or (b) in the fiscal year in which the revenue is received, or the county or municipality may place part or all of this revenue in a capital reserve fund and shall specifically identify this revenue in accordance with Chapter 159 of the General Statutes.

'Article 41.

'Alternative Local Government Sales and Use Taxes.

'§105-488. **Short title.** — This Article shall be known as the "Alternative Local Government Sales and Use Tax Act."

'§105-489. **Limitations.** — This Article applies only to counties that do not levy one percent (1%) sales and use taxes under Article 39 of this Chapter or under Chapter 1096 of the 1967 Session Laws.

'§105-490. **Levy and collection of taxes.** — Any county subject to this Article may levy one-half percent (1/2%) local sales and use taxes pursuant to the procedures established in G. S. 105-465 and G. S. 105-466 for the levy of one percent (1%) sales and use taxes authorized by Article 39 of this Chapter. Except as provided in this Article, the provisions of Article 39 of this Chapter apply to any one-half percent (1/2%) local sales and use taxes levied under this Article. In applying the provisions of Article 39 of this Chapter to this Article, references to "this Article" mean Article 41 of Chapter 105. All taxes levied pursuant to this Article shall be collected by the Secretary and may not be collected by a taxing county. The exemption for building materials in G. S. 105-468.1 does not apply to taxes levied under this Article.

'§105-491. **Form of ballot.** — (a) The form of the question to be presented on a ballot for a special election concerning the taxes authorized by this Article shall be: "FOR one-half percent (1/2%) local sales and use taxes" or "AGAINST one-half percent (1/2%) local sales and use taxes."

(b) The form of the question to be presented on a ballot for a special election concerning the repeal of any taxes levied pursuant to this Article shall be: "FOR repeal of the one-half

percent (1/2%) local sales and use taxes" or "AGAINST repeal of the one-half percent (1/2%) local sales and use taxes."

'§105-492. **Retail collection bracket.** — The following bracket applies to collections by retailers in a county that levies sales and use taxes under this Article:

(1) No amount on sales of less than 10¢;

(2) 1¢ on sales of 10¢ to 30¢;

(3) 2¢ on sales of 31¢ to 65¢;

(4) 3¢ on sales of 66¢ to 95¢;

(5) 4¢ on sales of 96¢ to $1.28; and

(6) Sales of over $1.28 — straight three and one-half percent (3-1/2%) with major fractions governing.

'§105-493. **Distribution and use of taxes.** — The Secretary shall , on a quarterly basis, distribute the net proceeds of any one-half percent (1/2%) sales and use taxes levied under this Article in accordance with G. S. 105-486. For purposes of the distribution under G. S. 105-486, a county that levies one-half percent (1/2%) sales and use taxes under this Article is considered a taxing county under that section. To make the distribution required by G. S. 105-486 and this section, the Secretary shall add the net proceeds of local sales and use taxes levied under Article 40 of this Chapter and under this Article, and shall then distribute this amount to the taxing counties on a per capita basis as provided in G. S. 105-486. The amount distributed to a county that levies one-half percent (1/2%) sales and use taxes under this Article shall be divided among the county and its municipalities on either a per capita or an ad valorem tax basis, as designated by the board of county commissioners in a resolution adopted pursuant to G. S. 105-472. If any taxes levied under this Article by a county have not been collected in that county for a full quarter because of the levy or repeal of the taxes, the Secretary shall distribute a pro rata share to that county for that quarter based on the number of months the taxes were collected in that county during the quarter.

'§105-494. **Use of additional tax revenue by counties and municipalities.** — Sales and use tax revenue received by a county or municipality from one-half percent (1/2%) sales and use taxes levied under this Article are subject to the restrictions imposed by G. S. 105-487 on revenue received by counties and municipalities from one-half percent (1/2%) sales and use taxes levied under that Article.'

"Sec. 2. G. S. 159-6 is amended by adding a new subsection to read:

'(e) In addition to any other fees authorized by this section, the Commission may charge and collect fees for services rendered and expenses incurred in reviewing and processing petitions of counties or cities concerning use of local sales and use tax revenue in accordance with G. S. 105-487(c). ' ";

(3) on page 3, lines 12 and 18, by changing the numbers "9" and "10" to the numbers "3" and "4" respectively;

(4) on page 3, line 17, through page 8, line 2, by rewriting those lines to read:

"Part III. Sales Tax Revenue for Housing.

"Sec. 5. G. S. 160A-456(e) is rewritten to read:

'(e) A city council of a city with a population of at least seventy-five thousand may expend up to twenty percent (20%) of its annual sales and use tax revenue derived from one-half percent (1/2%) local sales and use taxes levied pursuant to Article 40 or 41 of Chapter 105 of the General Statutes for housing projects undertaken pursuant to Chapter 157 of the General Statutes, except that none of this revenue may be expended for rent subsidies. Otherwise, a city council of any city may not expend State or local tax revenue pursuant to this section for a purpose not expressly authorized by G. S. 160A-209 unless the issue is first submitted to a vote of the people as provided therein. The most recent

annual estimates of population certified by the State Budget Officer shall be used to determine the population of a city under this subsection.' ";

(5) on page 8, line 4, through page 35, line 18, by renumbering the succeeding sections accordingly; and

(6) on page 35, lines 21-27, by rewriting those lines to read:

"Sec. 46. This act is effective upon ratification."; and the Senate concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 19th day of July, 1983.

MARSHALL A. RAUCH	DWIGHT W. QUINN
CONRAD R. DUNCAN	EDWARD C. BOWEN
ELTON EDWARDS	ROBERT C. HUNTER
WANDA HUNT	SIDNEY A. LOCKS
CECIL R. JENKINS, JR.	WENDELL H. MURPHY
WILLIAM W. STATON	TOM B. RABON, JR.
ROBERT D. WARREN	WILLIAM T. WATKINS
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

The Conference Report is held to be material.

On motion of Senator Rauch the Conference Report is adopted constituting the first reading of the Senate Committee Substitute bill (electronically recorded). The Conference Report remains on the Calendar for adoption, upon second reading.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following speical messages are received from the House of Representatives:

S. B. 141
(House Committee Substitute)

HOUSE OF REPRESENTATIVES
July 19, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on HCS for SCS for S. B. No. 141, A BILL TO BE ENTITLED AN ACT TO REWRITE THE PUBLIC HEALTH LAWS to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

The bill is ordered enrolled.

H. B. 559
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 19, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the

House fails to concur in the Senate Com. Sub. for HCS to H. B. No. 559, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE TO REGULATE HAZARDOUS WASTE LANDFILLS AND SURFACE IMPOUNDMENTS FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE, and requests conferees. The Speaker has appointed Representatives Clark, Hackney, Pulley, Hightower, and Mavretic on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Harris of Cleveland moves that the President appoint conferees, which motion prevails. The President appoints Senators Harris of Cleveland, Rauch, Lawing, Hardison, and Jenkins as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 1456, a bill to require certain licensing boards to report on standards used in evaluating applicants licensed in other states.
Referred to **Special Ways and Means Committee.**

On motion of Senator Lawing, seconded by Senator Speed, the Senate adjourns to meet tomorrow at 11:00 P.M.

ONE HUNDRED THIRTY-FIFTH DAY

SENATE CHAMBER,
Wednesday, July 20, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Father God, the old hymn reminds us that 'time, like an ever-rolling stream, bears all its sons away.' We are very conscious of the relentless rolling of time in this room today. So much remains to be done, and there seems to be so little time, so few hours or days in which to do it. Help us, we pray, to act with wisdom, even in our haste. Do not let us sacrifice integrity for expediency, but enable us to work efficiently to complete the tasks set before us. Above all, grant us the wisdom to defer all our actions and decisions to Your power and will, so that what we do, even if it be done quickly, shall be done well. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Jenkins for today and to Senators Jenkins and Speed for tomorrow, July 21.

Leaves of absence granted previously to Senators Soles, Royall, Tally, and Marvin are noted.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Allsbrook:

S. R. 700, a Senate resolution authorizing the Legislative Research Commission to review the budgetary policy of the State of North Carolina.
Referred to the **Appropriations Committee.**

Senator Thomas of Craven moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Thomas of Craven:

S. B. 701, a bill creating the Hazardous Waste Study Commission of 1983.
Referred to **Appropriations Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 34 (Committee Substitute), an act to provide all senior colleges with copies of the Session Laws and House and Senate Journals. (Ch. 842)

H. B. 164 (Committee Substitute), an act to provide funds for screening for neural tube defects. (Ch. 843)

H. B. 177 (Senate Committee Substitute No. 2), an act providing compensation for innocent victims of crime. (Ch. 832)

H. B. 368 (Senate Committee Substitute), an act to amend Chapter 97 of the General Statutes to define injury by accident for workers' compensation. (Ch. 833)

H. B. 376 (Committee Substitute), an act relating to the disposition of animals by animal shelters and pounds. (Ch. 834)

H. B. 451 (Committee Substitute No. 2), an act to provide for the publication of summaries of proposed constitutional amendments. (Ch. 844)

H. B. 509 (Committee Substitute), an act to appropriate funds for Lutheran Family Services in North Carolina, Inc., as a grant-in-aid to a private child-caring institution. (Ch. 845)

H. B. 538 (Committee Substitute), an act to provide funds for maternity home care. (Ch. 846)

H. B. 543 (Senate Committee Substitute), an act to permit the issuance of a certificate of need for nursing homes in qualifying counties that do not have nursing homes. (Ch. 835)

H. B. 581 (Committee Substitute), an act to appropriate matching funds for county day-care coordinating agencies. (Ch. 847)

H. B. 583 (Senate Committee Substitute No. 2), an act to provide time to study the need for new intermediate care facility beds for the mentally retarded. (Ch. 836)

H. B. 726, an act to clarify the disposition of revenue generated by the sale of personalized registration plates. (Ch. 848)

H. B. 745 (Committee Substitute), an act to appropriate funds to reduce the undue burden placed on Warren County after having to absorb the PCB toxic waste that was spread over some fourteen counties and Fort Bragg. (Ch. 849)

H. B. 797 (Committee Substitute), an act authorizing the Attorney General to designate an attorney to specialize in the law of the handicapped. (Ch. 850)

H. B. 932 (Senate Committee Substitute), an act to provide court-ordered parent participation in treatment in certain juvenile cases. (Ch. 837)

H. B. 990 (Committee Substitute), an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects by constituent institutions of the University of North Carolina. (Ch. 851)

H. B. 1017 (Committee Substitute), an act to appropriate funds to the Department of Agriculture for Western North Carolina market development. (Ch. 852)

H. B. 1018 (Committee Substitute), an act to appropriate funds for the acquisition of parkland and the construction of forest resources county headquarters. (Ch. 853)

H. B. 1050, (Senate Committee Substitute), an act creating a committee for a comprehensive study of the property tax system in North Carolina. (Ch. 838)

H. B. 1112 (Committee Substitute), an act to amend Chapter 163 of the General Statutes to authorize registration of voters by driver license examiners of the Division of Motor Vehicles. (Ch. 854)

H. B. 1137 (Committee Substitute), an act to provide an education program specialist and a media technician to aid medical professionals and parents, and educators of hearing impaired children. (Ch. 856)

H. B. 1177 (Senate Committee Substitute), an act to require the Department of Administration to publish a North Carolina Purchase Registry. (Ch. 839)

H. B. 1196 (Senate Committee Substitute), an act to place the President of the North Carolina Society of Fire Instructors on the State Fire Commission. (Ch. 840)

H. B. 1465, an act to authorize certain counties and cities to regulate abandoned, junked vehicles for aesthetic purposes. (Ch. 841)

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 426 (Senate Committee Substitute), a bill to increase State sales and use taxes by one-half percent, to distribute the increase in revenue to counties and cities for public schools, clean water, and other capital needs, and to authorize various transient occupancy taxes, Conference Report for adoption, upon second reading.

The following pairs are announced: Senator Marvin, "aye"; Senator Gray, "no." Senator Jordan, "aye"; Senator Royall, "no."

The Conference Report is adopted on second reading by roll-call vote, ayes 31, noes 7, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Marion, Plyler, Rand, Rauch, Speed, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Ward, Warren, White, Winner, and Woodard—31.

Voting in the negative: Senators Allred, Barnes of Wayne, Hancock, Lawing, Martin, Redman, and Walker—7.

The Conference Report remains on the Calendar for adoption, upon third reading.

H. B. 814 (Committee Substitute), a bill to regulate the practice of midwifery, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 36, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Gray, Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jordan, Lawing, Marion, Martin, Plyler, Rand, Rauch, Redman, Speed, Staton, Swain, Thomas of Craven, Tison, Walker, Ward, Warren, and Woodard—36.

Voting in the negative: Senators White and Winner—2.

The Committee Substitute bill, as amended, is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1240 (Committee Substitute), a bill to provide confidentiality in legislative communications, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S. B. 165 (House Committee Substitute), a bill to create the felony offenses of child abuse, use of a child in a sexual performance, and promoting a sexual performance by a child, for concurrence in House Committee Substitute bill with Amendments Nos. 1 and 2.

Senator Winner moves that the Senate do not concur in the House Committee Substitute bill with Amendments Nos. 1 and 2, and further moves that the President appoint conferees, which motions prevail (electronically recorded). The President appoints Senators Tison, Chairman; Harris of Cleveland, Edwards of Guilford, Winner, and Rand, as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RECONSIDERATION

H. B. 1122 (Committee Substitute No. 2), a bill to create the New Technology Jobs Act.

Without objection, on motion of Senator Hardison, the Committee Substitute bill No. 2 is recalled from the Enrolling Office.

Senator Hardison moves that the vote by which the Committee Substitute bill No. 2 passed its third reading be reconsidered, which motion prevails.

Senator Hardison offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill No. 2, as amended, passes its third reading (electronically recorded) and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in Senate Amendment No. 1.

July 20, 1983

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Special Ways and Means Committee:**

H. B. 720 (Committee Substitute), a bill to amend the notice requirements of G. S. 105-375, with a favorable report.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration (electronically recorded).

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1356 (Committee Substitute), a bill to create the crime of abusing, neglecting or exploiting a disabled adult, with a favorable report, as amended.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration (electronically recorded), and on his further motion Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

The Chair declares the Senate in recess until 1:30 P.M. for the purpose of committee meetings.

AFTERNOON SESSION — 1:30 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee:**

H. B. 1142, a bill to extend the study of the State's interests in railroad properties, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 1142** (Senate Committee Substitute), a bill authorizing studies by the Legislative Research Commission and by the Commission on Children with Special Needs and making technical amendments relating thereto, is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

Senator Hardison offers Amendment No. 1 which is adopted.

Senator Hardsion offers Amendments Nos. 2 and 3 which are adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger

to the House of Representatives, without engrossment, for concurrence in the Senate Committee Substitute bill with Senate Amendments Nos. 1, 2, and 3.

By Senator Harris of Cleveland for the **Human Resources Committee:**

S. B. 52, a bill to increase the membership of the Commission on Children With Special Needs, with an unfavorable report.

H. B. 374, a bill to increase the penalty for violating the Public Health Law, with an unfavorable report.

By Senator Swain for the **Special Ways and Means Committee:**

H. B. 881, a bill to allow the Dare County Airport Authority to adopt ordinances, with a favorable report.

On motion of Senator Swain, the rules are suspended and the bill is placed before the Senate for immediate consideration (electronically recorded).

The bill passes its second and third readings and is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1472, a bill to allow the City of Reidsville to sell certain property to Elton Trent.

On motion of Senator Swain, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

S. B. 165
(House Committee Substitute)

HOUSE OF REPRESENTATIVES
July 20, 1983

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Com. Sub. to S. B. No. 165, A BILL TO BE ENTITLED AN ACT TO CREATE THE FELONY OFFENSES OF CHILD ABUSE, USE OF A CHILD IN A SEXUAL PERFORMANCE, AND PROMOTING A SEXUAL PERFORMANCE BY A CHILD, the Speaker has appointed as conferees on the part of the House, Representatives Helms, Nesbitt, Hackney, Payne, and J. Hughes to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

CONFERENCE REPORT

H. B. 489 (Senate Committee Substitute)

Senator Lawing, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 489** (Senate Committee Substitute), a bill to clarify, restrict and amend the law relating to the operation of bingo games and raffles, submits the following report:

July 20, 1983

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute for the House Committee Substitute for House Bill 489, A BILL TO BE ENTITLED AN ACT TO CLARIFY, RESTRICT AND AMEND THE LAW RELATING TO BINGO GAMES AND RAFFLES, wish to report as follows: the House concurs in the Senate Committee Substitute with the following amendment:

Strike out the entire Senate Committee Substitute and insert in lieu thereof the attached proposed conference committee substitute PCCS-8302.

The Senate concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of July 1983.

W. Craig Lawing	Bruce Ethridge
Cecil R. Jenkins, Jr.	Martin Lancaster
Robert S. Swain	Joe Hackney
W. Gerry Hancock, Jr.	Harry E. Payne, Jr.
Conrad R. Duncan	
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

The text attached to the Conference Report on **H. B. 489** is as follows:

A BILL TO BE ENTITLED AN ACT TO CLARIFY, RESTRICT AND AMEND THE LAW RELATING TO THE OPERATION OF BINGO GAMES AND RAFFLES.

The General Assembly of North Carolina enacts:

Section 1. G. S. 14-289, G. S. 14-290, G. S. 14-291, G. S. 14-291.1 and G. S. 14-292 are each amended by deleting the reference to "G. S. 14-292.1", and inserting in lieu thereof "Part 2 of this Article".

Sec. 2. G. S. 14-292.1 is repealed.

Sec. 3. The existing Article 37 of Chapter 14 of the General Statutes is recodified as Part 1 of that Article and a new Part 2 is added to read:

"Part 2. Bingo and Raffles.

"§ 14-309.5. **Bingo and raffles.** — It is lawful for an exempt organization to conduct raffles and bingo games in accordance with the provisions of this Part. Any licensed exempt organization who conducts a raffle or bingo game in violation of any provision of this Part shall be guilty of a misdemeanor under G. S. 14-292 and shall be punished in accordance with G. S. 14-3. Upon conviction such person shall not conduct a raffle or bingo game for a period of one year. It is lawful to participate in a raffle or bingo game conducted pursuant to this Part. It shall be a Class H felony for any person: (i) to operate a raffle or bingo game without a license; (ii) to operate a raffle or bingo game while license is revoked or suspended; (iii) to willfully misuse or misapply any monies received in connection with any bingo game or raffle; or (iv) to contract with or provide consulting services to any licensee. It shall not constitute a violation of any State law to advertise a raffle or bingo game conducted in accordance with this Part.

"§ 14-309.6. **Definitions.** — For purposes of this Part, the term:

(1) 'Exempt organization' means an organization that has been in continuous existence in the county of operation of the raffle or bingo game for at least one year and that is exempt from taxation under Section 501(c) (3), 501(c)(4), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the Internal Revenue Code and is exempt under similar provisions of the General Statutes as a bona fide nonprofit charitable, civic, religious, fraternal, patriotic or veterans' organization or as a nonprofit volunteer fire department, or as a nonprofit volunteer rescue squad or a bona fide homeowners' or property owners' association. (If the organization has local branches or chapters, the term 'exempt organization' means the local branch or chapter operating the raffle or bingo game);

(2) 'Bingo game' means a specific game of chance played with individual cards having numbered squares ranging from one to 75, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers (but shall not include 'instant bingo' which is a game of chance played by the selection of one or more prepackaged cards, with winners determined by the appearance of a preselected designation on the card);

(3) 'Raffle' means a lottery in which the prize is won by random drawing of the name or number of one or more persons purchasing chances, and which is held in accordance with the provisions of G. S. 14-309.8 and G. S. 14-309.9;

(4) 'Local law enforcement agency' means for any raffle or bingo game conducted outside the corporate limits of a municipality or inside the corporate limits of a municipality having no municipal police force:

a. The county police force; or

b. The county sheriff's office in a county with no county police force;

(5) 'Local law enforcement agency' means the municipal police for any raffle or bingo game conducted within the corporate limits of a municipality having a police force;

(6) 'Beach bingo games' means bingo games which have prizes of ten dollars ($10.00) or less or merchandise that is not redeemable for cash and that has a value of ten dollars ($10.00) or less; and

(7) 'Licensed exempt organization' means an exempt organization which possesses a currently valid license.

"§ 14-309.7. **Licensing procedure.** — (a) Any exempt organization desiring to obtain a license to operate bingo games or raffles shall make application to the Department of Revenue on forms prescribed by the Department. Such license shall expire one year after the granting of the license. This license may be renewed from year to year. A copy of the application and license shall be furnished to the local law enforcement agency in the county or municipality in which the licensee intends to operate before bingo is conducted by the licensee.

(b) Each application and renewal application shall contain the following information:

(1) The name and address of the applicant and if the applicant is a corporation, association or other similar legal entity, the name and home address of each of the officers of the organization as well as the name and address of the directors, or other persons similarly situated, of the organization.

(2) The name and home address of each of the members of the special committee.

(3) A copy of the application for recognition of exemptions and a determination letter from the Internal Revenue Service and the Department of Revenue that indicates that the organization is an exempt organization and stating the section under which that exemption is granted; except that if the organization is a State

or local branch, lodge, post, or chapter of a national organization, a copy of the determination letter of the national organization satisfies this requirement.

(4) The location at which the applicant will conduct the bingo games or raffles. If the premises are leased, a copy of the lease or rental agreement.

(c) In order for an exempt organization to have a member familiar with the operation of bingo present on the premises at all times when bingo is being played and for this member to be responsible for the receiving, reporting and depositing of all revenues received, the exempt organization may pay one member for conducting a bingo game. Such pay shall be on an hourly basis only for the time bingo is actually being played and shall not exceed one and one-half times the existing minimum wage in North Carolina. The member paid under this provision shall be a member in good standing of the exempt organization for at least one year and shall not be the lessor or an employee or agent of the lessor. No other person may be compensated for conducting a raffle or bingo game. An exempt organization shall not contract with any person for the purpose of conducting a raffle or bingo game. Except as provided in subsection (e) of this section, an exempt organization may hold a bingo game only in or on property owned (either legally or equitably) by the organization or leased by the organization for a period of not less than one year and actually occupied and used by that organization on a regular basis for purposes other than bingo for at least six months before the game; and all equipment used by the exempt organization in conducting the bingo game must be owned by the organization. Unless the exempt organization leases the property in accordance with this subsection, an exempt organization may conduct a bingo game only in or on property that is exempt from property taxes levied under Subchapter II of Chapter 105 of the General Statutes, or that is classified and not subject to any property taxes levied under Subchapter II of Chapter 105 of the General Statutes. It shall be unlawful for any person to operate beach bingo games at a location which is being used by any licensed exempt organization for the purpose of conducting bingo games.

(d) Conduct of a bingo game or raffle under this Part on such property shall not operate to defeat an exemption or classification under Subchapter II of Chapter 105 of the General Statutes.

(e) An exempt organization desiring to conduct an annual or semi-annual bingo game may apply to the Department of Revenue for a single occasion permit. The Department of Revenue may require such information as is reasonable and necessary to determine that the bingo game is conducted in accordance with the provisions of this Part but may not require more information than previously specified in this section for application of a regular license. The application shall be made to the Department on prescribed forms at least 30 days prior to the scheduled date of the bingo game. In lieu of the reporting requirements of G. S. 14-309.11(b) the exempt organization shall file with the licensing agency and local law enforcement a report on prescribed forms no later than 30 days following the conduct of the bingo game for which the permit was obtained. Such report may require such information as is reasonable and necessary to determine that the bingo game was conducted in accordance with the provisions of this Part but may not require more information than specified in G. S. 14-309.11(b). Any licensed exempt organization may donate or loan its equipment or use of its premises to an exempt organization which has secured a single occasion permit provided such arrangement is disclosed in the single occasion permit application and is approved by the Department of Revenue. Except as stated above, all provisions of this Part shall apply to any exempt organization operating a bingo game under this provision.

"§ 14-309.8. **Limit on sessions.** — The number of sessions of bingo conducted or

sponsored by an exempt organization shall be limited to two sessions per week and such sessions must not exceed a period of five hours each per session. No two sessions of bingo shall be held within a 48-hour period of time. No more than two sessions of bingo shall be operated or conducted in any one building, hall or structure during any one calendar week. Raffles shall be limited to one per month per organization per county. This section shall not apply to bingo games or raffles conducted at a fair or other exhibition conducted pursuant to Article 45 of Chapter 106 of the General Statutes.

"§ 14-309.9. **Bingo and raffle prizes.** — (a) The maximum prize in cash or merchandise that may be offered or paid for any one game of bingo is five hundred dollars ($500.00). The maximum aggregate amount of prizes, in cash and/or merchandise, that may be offered or paid at any one session of bingo is one thousand five hundred dollars ($1,500). Provided, however, that if an exempt organization holds only one session of bingo during a calendar week, the maximum aggregate amount of prizes, in cash and/or merchandise, that may be offered or paid at any one session is two thousand five hundred dollars ($2,500).

(b) A raffle conducted pursuant to this Part shall be lawful only if the amount of a prize paid in cash is five hundred dollars ($500.00) or less, or if merchandise used as a prize, not redeemable in cash, has a market value of twenty thousand dollars ($20,000) or less.

(c) This section shall not apply to bingo games or raffles conducted at a fair or other exhibition conducted pursuant to Article 45 of Chapter 106 of the General Statutes.

"§ 14-309.10. **Operation of raffles and bingo.** — The operation of raffles or bingo games shall be the direct responsibility of, and controlled by, a special committee selected by the governing body of the exempt organization in the manner provided by the rules of the exempt organization.

"§ 14-309.11. **Accounting and use of proceeds.** — (a) All funds received in connection with a raffle or bingo game shall be placed in a separate bank account. No funds may be disbursed from this account except the exempt organization may expend proceeds for prizes, advertising, utilities, and the purchase of supplies and equipment used in conducting the raffle and in playing bingo, taxes and license fees related to raffles and bingo and the payment of compensation as authorized by G. S. 14-309.7(c) and for the purposes set forth below for the remaining proceeds. Such payments shall be made by consecutively numbered checks. Any proceeds available in the account after payment of the above expenses shall inure to the exempt organization to be used for religious, charitable, civic, scientific, testing, public safety, literary, or educational purposes or for purchasing, constructing, maintaining, operating or using equipment or land or a building or improvements thereto owned by and for the exempt organization and used for civic purposes or made available by the exempt organization for use by the general public from time to time, or to foster amateur sports competition, or for the prevention of cruelty to children or animals, provided that no proceeds shall be used or expended for social functions for the members of the exempt organization.

(b) An audit of the account required by subsection (a) of this section shall be prepared annually for the period of January 1 through December 31 or otherwise as directed by the Department of Revenue and shall be filed with the Department of Revenue and the local law enforcement agency at a time directed by the Department of Revenue. The audit shall be prepared on a form approved by the Department of Revenue and shall include the following information:

(1) The number of raffles or bingo games conducted or sponsored by the exempt organization;

(2) The location and date at which each raffle or bingo game was conducted and the prize awarded;

(3) The gross receipts of each raffle or bingo game;
(4) The cost or amount of any prize given at each raffle or bingo game;
(5) The amount paid in prizes at each session;
(6) The net return to the exempt organization; and
(7) The disbursements from the separate account and the purpose of those disbursements, including the date of each transaction and the name and address of each payee.

(c) Any person who shall willfully furnish, supply, or otherwise give false information in any audit or statement filed pursuant to this section shall be guilty of a misdemeanor.

(d) All books, papers, records and documents relevant to determining whether an organization has acted or is acting in compliance with this section shall be open to inspection by the law enforcement agency or its designee, or the district attorney or his designee, or the Department of Revenue at reasonable times and during reasonable hours.

"§ 14-309.12. **Violation is gambling.** — A raffle or bingo game conducted otherwise than in accordance with the provisions of this Part is 'gambling' within the meaning of G. S. 19-1 *et seq.*, and proceedings against such raffle or bingo game may be instituted as provided for in Chapter 19 of the General Statutes.

"§ 14-309.13. **Public sessions.** — Any exempt organization operating a bingo game or raffle which is open to persons other than members of the exempt organization, their spouses, and their children shall make such bingo game or raffle open to the general public.

"§ 14-309.14. **Beach bingo.** — Nothing in this Article shall apply to 'beach bingo' games nor shall it apply to any raffle held in conjunction with a convention or other meeting open only to members of the exempt organization, their spouses, and their children. G. S. 18B-308 shall apply to such games."

Sec 4. G. S. 18B-308 is amended by deleting "G. S. 14-292.1", and inserting in lieu thereof "Part 2 of Article 37 of Chapter 14 of the General Statutes".

Sec. 4.1. G. S. 105-66 is amended by adding a new subsection to read:

"(d) Any person obtaining a license under G. S. 14-309.7 is not required to obtain a State license under this section for the same activity, but is subject to subsection (c) of this section as if a State license was required."

Sec. 5. G. S. 18B-1000(5) is amended by adding a new sentence between the first and second sentences of that subdivision to read:

"This provision does not, however, prohibit such an establishment from being open to the general public for raffles and bingo games as required by G. S. 14-309.11(a) and G. S. 14-309.13."

Sec. 5.1. Should the Supreme Court of North Carolina or a federal court having jurisdiction over North Carolina find and determine in any manner, whether on the merits or by denial of petition for discretionary review, that the General Assembly may not constitutionally allow "exempt organizations" as defined herein to conduct bingo or raffles, while denying that privilege to all other persons, then this act and G. S. 14-292.1 are repealed in their entirety, and no person may conduct bingo or raffles under any circumstances not permitted by the gambling laws of North Carolina.

Sec. 6. Prosecutions for offenses occurring before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Sec. 7. This act shall become effective October 1, 1983.

On motion of Senator Lawing, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 59 (Committee Substitute), an act to increase the membership of the Commission on Children with Special Needs. (Ch. 863)

S. B. 116 (Committee Substitute), an act to appropriate funds for the purpose of implementing H. B. 124, Involuntary Outpatient Commitment. (Ch. 864)

S. B. 141 (House Committee Substitute), an act to rewrite the public health laws. (Ch. 891)

S. B. 146 (Committee Substitute No. 2), an act to establish the North Carolina income tax refund checkoff program for the management of nongame and endangered species. (Ch. 865)

S. B. 229 (House Committee Substitute No. 2), an act requiring a cost statement to appear on State publications. (Ch. 866)

S. B. 247, an act to change the employment status of blind persons licensed by the State and working as Randolph-Sheppard vendors under contract with the Department of Human Resources. (Ch. 867)

S. B. 370 (Committee Substitute), an act to provide funds for the perinatal program. (Ch. 868)

S. B. 416, an act to remove the sales tax on death certificates. (Ch. 887)

S. B. 419 (Committee Substitute), an act regarding reversion of funds appropriated for a study of the White Oak River for Fiscal Year 1981–82 and 1982–83. (Ch. 869)

S. B. 433 (House Committee Substitute), an act to provide that the guardian *ad litem* appointed for a juvenile alleged abused or neglected may petition for termination of parental rights. (Ch. 870)

S. B. 437 (Committee Substitute), an act to provide incentive pay for the State employees for gains in economy and efficiency in the rendering of governmental services. (Ch. 871)

S. B. 458 (Committee Substitute), an act to enable all public school employees to earn and accumulate annual vacation leave at the same rate as that provided for State employees. (Ch. 872)

S. B. 461, an act to exempt newspaper advertising supplements from North Carolina sales tax. (Ch. 873)

S. B. 495 (Committee Substitute No. 2), an act to make interstate transfers of prisoners more open to public scrutiny. (Ch. 874)

S. B. 518 (Committee Substitute), an act to create the Legislative Commission on Medical Cost Containment. (Ch. 875)

S. B. 552 (Committee Substitute), an act to appropriate funds for the State Adult Day-Care Program. (Ch. 876)

S. B. 554 (Committee Substitute), an act to appropriate funds to the Department of Justice to provide for implementation of the Radar Act. (Ch. 877)

S. B. 569 (Committee Substitute), an act to provide that the right to file or claim certain statutory liens on real property may not be waived. (Ch. 888)

S. B. 570 (Committee Substitute), an act to authorize a review of the State's disability determination services. (Ch. 880)

S. B. 601 (Committee Substitute), an act to appropriate funds for "Signal 25 Communicators" for the highway patrol. (Ch. 879)

S. B. 633, an act to modify the juvenile admission laws. (Ch. 889)

S. B. 685, an act concerning the transportation of farm products. (Ch. 890)

S. B. 688 (Committee Substitute), an act urging the Second Session of the 1983 General Assembly to consider adopting an unreduced retirement allowance for teachers, State employees and law enforcement officers with twenty-eight years' of service. (Ch. 878)

H. B. 33 (Committee Substitute No. 2), an act to appropriate funds to the Administrative Office of the Courts. (Ch. 881)

H. B. 478 (Committee Substitute), an act to appropriate funds to the Division of Mental Health, Mental Retardation and Substance Abuse Services of the Department of Human Resources for the purpose of increasing Adult Developmental Activity Programs' monthly subsidy. (Ch. 882)

H. B. 524 (Senate Committee Substitute), an act to repeal all administrative rules adopted under the A.P.A. absent approval by the General Assembly and to repeal G. S. 143B-153.1. (Ch. 883)

H. B. 720 (Committee Substitute), an act to amend the notice requirements of G. S. 105-375. (Ch. 855)

H. B. 1161 (Committee Substitute), an act to appropriate funds to the Department of Cultural Resources for the Committee on Art in State Buildings. (Ch. 862)

H. J. R. 1185, a joint resolution directing the Mental Health Study Commission to prepare a recodification draft of Chapter 122 of the General Statutes, titled "Hospitals for the Mentally Disordered", and of related statutes. (Res. 50)

H. B. 1191 (Senate Committee Substitute), an act to exempt private homes offering bed and breakfast accommodations from the food and lodging requirements of the public health laws and to authorize the Health Services Commission to adopt rules by July 1, 1984. (Ch. 884)

H. B. 1219 (Committee Substitute), an act to appropriate funds for electronic data processing for the Department of Insurance. (Ch. 861)

H. B. 1307 (Committee Substitute), an act to create the Public Education Policy Council. (Ch. 860)

H. B. 1318 (Senate Committee Substitute), an act to amend the membership composition of the Governor's Waste Management Board. (Ch. 859)

H. B. 1329 (Committee Substitute), an act to increase the rate of support in specialized community residential centers serving mentally retarded children. (Ch. 885)

H. B. 1395, an act to permit certain grants of certificates of need. (Ch. 858)

H. B. 1468, an act to clarify the procedure for filing temporary rules. (Ch. 857)

H. B. 1469, an act to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives. (Ch. 886)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 489
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 20, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Sen. Com. Sub. for HCS for H. B. No. 489, A BILL TO BE ENTITLED AN ACT TO CLARIFY, RESTRICT AND AMEND THE LAW RELATING TO BINGO GAMES AND RAFFLES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

RE-REFERRAL

H. B. 626 (Committee Substitute), a bill relating to the Gaston County Police Department.

On motion of Senator Rauch, the rules are suspended (electronically recorded) and the Committee Substitute bill is taken from the **Finance Committee** and is placed on the Calendar for immediate consideration.

Senator Rauch offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in Senate Amendment No. 1.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes of Wayne for the **Judiciary III/Law Enforcement and Criminal Justice Committee:**

H. B. 775 (Committee Substitute), a bill to clarify a sheriff's personal liability for the acts of his deputy, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 775** (Senate Committee Substitute), a bill to clarify a sheriff's personal liability for the acts of his deputies, is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Barnes of Wayne, the Senate Committee Substitute bill is temporarily displaced.

The Chair declares the Senate in recess until 3:45 P.M. for the purpose of committee meetings.

AFTERNOON SESSION — 3:45 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Duncan for the **Finance Committee:**

H. B. 260, a bill to exclude from gross income amounts paid by an employer for dependent care assistance provided for the benefit of the employee, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

By Senator Swain for the **Special Ways and Means Committee:**

H. B. 806 (Committee Substitute No. 3), a bill to clarify the duty to stop in event of a motor vehicle accident, with a favorable report, as amended.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill No. 3 is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The Committee Substitute bill No. 3, as amended, passes its second (electronically recorded) and third readings.

Senator Lawing moves that the vote by which the Committee Substitute bill No. 3, as amended, passed its third reading be reconsidered, which motion prevails.

The Committee Substitute bill No. 3, as amended, remains on the Calendar for tomorrow, July 21, upon third reading.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 47, a bill concerning use of school buses by senior citizens groups.
Referred to **State Government/Senior Citizens Committee.**

H. B. 457 (Committee Substitute No. 2), a bill to permit a successful appellant of an agency decision to recover attorney's fees from the agency in certain circumstances.
Referred to **Special Ways and Means Committee.**

H. B. 552 (Committee Substitute), a bill to provide that when an agency imposes a civil or administrative penalty and judicial review is available under the Administrative Procedure Act, the petitioner may elect a *de novo* review.
Referred to **Special Ways and Means Committee.**

H. B. 830 (Committee Substitute), a bill to establish a Community Penalties Program.
Referred to **Special Ways and Means Committee.**

H. B. 1072 (Committee Substitute), a bill to provide funding for the Juvenile Law Study Commission.
Referred to **Special Ways and Means Committee.**

H. B. 1379 (Committee Substitute), a bill creating the Criminal Code Revision Study Committee.
Referred to **Special Ways and Means Committee.**

The Chair declares the Senate in recess until 4:45 P.M. for the purpose of committee meetings.

AFTERNOON SESSIN — 4:45 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 810
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 20, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Com. Sub. #2 to H. B. No. 810, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE GOVERNOR'S ADMINISTRATIVE RULES REVIEW COMMISSION, and requests conferees. The Speaker has appointed Representatives Watkins, Barbee, Adams, and Miller on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

July 20, 1983

Senator Rauch moves that the President appoint conferees, which motion prevails. The President appoints Senators Rauch, Chairman; Edwards of Caldwell, Hardison, and Jordan as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 1471, a bill to amend Chapter 504 of the 1983 Session Laws, dealing with Wilmington's firemen's pensions, to make a technical correction.

On motion of Senator Plyler, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1473, a bill to repeal conditions which have been satisfied.

On motion of Senator Hancock, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

CALENDAR (Continued)

H. B. 775 (Senate Committee Substitute), a bill to clarify a sheriff's personal liability for the acts of his deputies, earlier temporarily displaced.

Senator Barnes of Wayne offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in the Senate Committee Substitute bill with Amendment No. 1.

CONFERENCE COMMITTEE

H. B. 933 (Committee Substitute No. 2), a bill to authorize the alteration of a marriage license when a party to the marriage lawfully changes his or her name.

Without objection, the President dismisses Senator Jenkins as a conferee and appoints Senator Hunt. A message is ordered sent to the House of Representatives notifying that Honorable Body of such action.

On motion of Senator Lawing, seconded by Senator Thomas of Henderson, the Senate adjourns to meet tomorrow at 1:00 P.M.

ONE HUNDRED THIRTY-SIXTH DAY

SENATE CHAMBER,
Thursday, July 21, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, as we approach the end of our time together in this place, we give You thanks for the mercies bestowed upon us throughout this Session, for new friendships formed and old ones renewed, for the diligence of those whose work supports the deliberations of this Senate, for those who provide its leadership and direction. We freely admit our human nature, prone to wrong, and give Your Spirit the praise for anything we have done that is true and right. For whatever we have done that is not Your will, we pray that You will forgive us, and teach us what we should do. Help us now to forget all that is behind us and press forward toward new goals that will bring honor, justice, prosperity, peace and freedom to the people of this State which we all love. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Soles, Harris of Mecklenburg, and Tally for today and to Senators Soles and Tally for tomorrow, July 22.

Leaves of absence granted previously to Senators Marvin, Royall, Jenkins, and Speed are noted.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 291 (Committee Substitute), an act relating to the prevention of child abuse and neglect and establishing a Children's Trust Fund for that purpose. (Ch 894)

S. B. 472, an act to extend thirty-year unreduced retirement benefits to teachers and State employees who retired prior to July 1, 1973, and who contributed to the Teachers' and State Employees' Retirement System for thirty or more years. (Ch. 902)

S. B. 698, an act to appoint persons to public office upon the recommendation of the President Pro Tempore of the Senate. (Ch. 903)

H. B. 260, an act to exclude from gross income amounts paid by an employer for dependent care assistance provided for the benefit of the employee. (Ch. 895)

H. B. 489 (Senate Committee Substitute), an act to clarify, restrict and amend the law relating to the operation of bingo games and raffles. (Ch. 896)

H. B. 626 (Committee Substitute), an act relating to the Gaston County Police Department. (Ch. 904)

H. B. 814 (Committee Substitute), an act to regulate the practice of midwifery. (Ch. 897)

H. B. 881, an act to allow the Dare County Airport Authority to adopt ordinances. (Ch. 892)

H. B. 1090 (Senate Committee Substitute), an act to limit the operation in North Carolina of trucks with two trailers and increased lengths and widths mandated by federal law and to conform the North Carolina law to federal requirements. (Ch. 898)

H. B. 1122 (Committee Substitute No. 2), an act to create the New Technology Jobs Act. (Ch. 899)

H. B. 1142, an act authorizing studies by the Legislative Research Commission and by the Commission on Children with Special Needs and making technical amendments relating thereto. (Ch. 905)

H. B. 1240 (Committee Substitute), an act to provide confidentiality in legislative communications. (Ch. 900)

H. J. R. 1345 (Senate Committee Substitute), a joint resolution authorizing the General Assembly to study the Administrative Procedure Act and to review rules currently in effect. (Res. 51)

H. B. 1356 (Committee Substitute), an act to create the crime of abusing, neglecting or exploiting a disabled adult. (Ch. 901)

H. B. 1471, an act to amend Chapter 504 of the 1983 Session Laws, dealing with Wilmington's firemen's pensions, to make a technical correction. (Ch. 906)

H. B. 1472, an act to allow the City of Reidsville to sell certain property to Elton Trent. (Ch. 893)

H. B. 1473, an act to repeal conditions which have been satisfied. (Ch. 907)

The Chair declares the Senate in recess until 1:35 P.M. for the purpose of committee meetings.

AFTERNOON SESSION — 1:35 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

CONFERENCE REPORT

H. B. 933 (Committee Substitute No. 2)

Senator Swain, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 933** (Committee Substitute No. 2), a bill to authorize the alteration of a marriage license when a party to the marriage lawfully changes his or her name, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on HOUSE COMMITTEE SUBSTITUTE #2 for House Bill 933 as amended by the Senate (6/14/83), Senate Amendment #1; A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALTERATION OF A MARRIAGE LICENSE WHEN A PARTY TO THE MARRIAGE LAWFULLY CHANGES HIS OR HER NAME, wish to report as follows:

The Conference Committee recommends that the differences between the Senate and the House of Representatives regarding the House Committee Substitute #2 for House

Bill 933 as amended by the Senate (6/14/83) by Senate Amendment #1 be resolved by the adoption of the following amendment:

on page 1, line 19 after the period by deleting the phrase "If allowed" and substituting: "If the change of name is allowed,".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 21 day of July, 1983

ROBERT S. SWAIN
WANDA H. HUNT
JAMES H. EDWARDS
Conferees on the part
of the Senate

DANIEL T. BLUE
H. MARTIN LANCASTER
FRANK W. BALLANCE, JR.
Conferees on the part
of the House of Representatives

On motion of Senator Swain, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Special Ways and Means Committee:**

H. B. 457 (Committee Substitute No. 2), a bill to permit a successful appellant of an agency decision to recover attorney's fees from the agency in certain circumstances, with a favorable report, as amended.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Calendar for consideration.

H. B. 552 (Committee Substitute), a bill to provide that when an agency imposes a monetary civil or monetary administrative penalty and judicial review is available under the Administrative Procedure Act, the petitioner may elect a *de novo* review, with a favorable report.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration.

H. B. 830 (Committee Substitute), a bill to establish a Community Penalties Program, with a favorable report.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration.

H. B. 1072 (Committee Substitute), a bill to provide funding for the Juvenile Law Study Commission, with a favorable report.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration.

H. B. 1379 (Committee Substitute), a bill creating the Criminal Code Revision Study Committee, with a favorable report.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration.

H. B. 1405, a bill to allow a court to reform interests in property that violate the rule against perpetuities, with a favorable report, as amended.

On motion of Senator Swain, the rules are suspended and the bill is placed on today's Calendar for consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 426
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 21, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on SCS for HCS for H. B. No. 426, A BILL TO BE ENTITLED AN ACT TO INCREASE STATE SALES AND USE TAXES BY ONE-HALF PERCENT TO DISTRIBUTE THE INCREASE IN REVENUE TO COUNTIES AND CITIES FOR PUBLIC SCHOOLS, CLEAN WATER, AND OTHER CAPITAL NEEDS, AND TO AUTHORIZE VARIOUS TRANSIENT OCCUPANCY TAXES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 806 (Committee Substitute No. 3), a bill to clarify the duty to stop in event of a motor vehicle accident, as amended, upon third reading.

The Committee Substitute bill No. 3, as amended, passes its third reading (electronically recorded) and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 426 (Senate Committee Substitute), a bill to increase State sales and use taxes by one-half percent, to distribute the increase in revenue to counties and cities for public schools, clean water, and other capital needs, and to authorize various transient occupancy taxes, Conference Report for adoption, upon third reading.

The following pairs are announced: Senator Speed "aye", Senator Redman, "no"; Senator Marvin "aye", Senator Gray "no."

The Conference Report is adopted on its third reading by roll-call vote, ayes 31, noes 8, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Johnson, Marion, Parnell, Plyler, Rand, Rauch, Staton, Swain, Thomas of Craven, Thomas of Henderson, Tison, Ward, Warren, White, Winner, and Woodard—31.

Voting in the negative: Senators Allred, Ballenger, Barnes of Wayne, Hancock, Lawing, Martin, Walker, and Wright—8.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 830 (Committee Substitute), a bill to establish a Community Penalties Program.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1072 (Committee Substitute), a bill to provide funding for the Juvenile Law Study Commission.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1405, a bill to allow a court to reform interests in property that violate the rules against perpetuities.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

Senator Staton offers Amendment No. 2.

On motion of Senator Johnson, consideration of the bill, as amended, and pending Amendment No. 2, is postponed until the first day of the 1984 Session of the General Assembly (electronically recorded).

H. B. 1379 (Committee Substitute), a bill creating the Criminal Code Revision Study Committee.

Senator Harris of Cleveland offers Amendment No. 1 which is adopted (electronically recorded).

Senator Lawing offers Amendment No. 2.

On motion of Senator Hancock and without objection, the Committee Substitute bill is temporarily displaced.

RE-REFERRAL

H. B. 552 (Committee Substitute), a bill to provide that when an agency imposes a monetary civil or monetary administrative penalty and judicial review is available under the Administrative Procedure Act, the petitioner may elect a *de novo* review.

On motion of Senator Edwards of Caldwell, the Committee Substitute bill is taken from the Calendar for today and recommitted to the **Special Ways and Means Committee.**

The Chair declares the Senate in recess until 4:00 P.M. for the purpose of committee meetings.

AFTERNOON SESSION — 4:00 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 775 HOUSE OF REPRESENTATIVES
(Senate Committee Substitute) July 21, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the July 21, 1983

House fails to concur in the Senate Com. Sub. for HCS to H. B. No. 775, A BILL TO BE ENTITLED AN ACT TO CLARIFY A SHERIFF'S PERSONAL LIABILITY FOR THE ACTS OF HIS DEPUTIES, and requests conferees. The Speaker has appointed Representatives Lee, Chairman; Slaughter, and Hightower on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ Grace Collins
Principal Clerk

Senator Barnes of Wayne moves that the President appoint conferees, which motion prevails. The President appoints Senators Barnes of Wayne, Chairman; Winner, and Plyler as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 933
(House Committee Substitute)

House of Representatives
July 21, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the conferees on House Com. Sub. for H. B. No. 933, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALTERATION OF A MARRIAGE LICENSE WHEN A PARTY TO THE MARRIAGE LAWFULLY CHANGES HIS OR HER NAME, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ Grace Collins
Principal Clerk

CALENDAR (Continued)

H. B. 1379 (Committee Substitute), a bill creating the Criminal Code Revision Study Committee, with pending Amendment No. 2, as amended, temporarily displaced earlier, is placed before the Senate for further consideration.

Senator Lawing withdraws pending Amendment No. 2.

Senator Harris of Cleveland offers Amendment No. 3 which is adopted (electronically recorded).

Senator Lawing offers Amendment No. 4 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1, 3, and 4, by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 426 (Senate Committee Substitute), an act to authorize counties to levy one-half

percent sales and use taxes and to designate how part of the revenue from these taxes shall be used, to allow certain cities to spend sales tax revenue on housing, and to authorize various transient occupancy taxes. (Ch. 908)

H. B. 830 (Committee Substitute), an act to establish a Community Penalties Program. (Ch. 909)

H. B. 1072 (Committee Substitute), an act to provide funding for the Juvenile Law Study Commission. (Ch. 910)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1045 (Committee Substitute), a bill to establish the Small Business Finance Study Commission.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1169 (Committee Substitute), a bill to create a study commission to examine alternatives for increasing public awareness of the importance of agiculture, forestry, and seafood in North Carolina.

On motion of Senator Swain, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Special Ways and Means Committee:**

H. B. 552 (Committee Substitute), a bill to provide that when an agency imposes a civil or administrative penalty and judicial review is available under the Administrative Procedure Act, the petitioner may elect a *de novo* review, with a favorable report, as amended.

On motion of Senator Swain, the rules are suspended (electronically recorded) and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, Committee Amendment No. 1 is adopted, changing the title to read, **H. B. 552** (Committee Substitute), a bill to provide that when an agency imposes a monetary civil or monetary administrative penalty and judicial review is available under the Administrative Procedure Act, the petitioners may elect a *de novo* review, upon concurrence.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in Senate Amendment No. 1.

CALENDAR (Continued)

H. B. 457 (Committee Substitute No. 2), a bill to permit a successful appellant of an agency decision to recover attorney's fees from the agency in certain circumstances.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The Committee Substitute bill No. 2, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in Senate Amendment No. 1.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee:**

S. B. 605, a bill to appropriate funds for the development of a water quality management plan for the Neuse River Basin and to create a Legislative Commission to review water pollution problems and water resources needs, and oversee the development of the Neuse River Basin Water Quality Management Plan, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended (electronically recorded) and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 622 (Committee Substitute), a bill regarding security interests in farm products, with an unfavorable report as to bill, but favorable as to Committee Substitute joint resolution.

On motion of Senator Hardison, the rules are suspended (electronically recorded) and the Committee Substitute joint resolution, which changes the bill to a joint resolution and the title to read, **S. J. R. 622** (Committee Substitute No. 2), a joint resolution authorizing the Legislative Research Commission to study security interests in farm products, is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute joint resolution is adopted.

The Committee Substitute joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 651, a bill to consolidate functions relating to building regulations, design, construction, and facilities management within the Department of Administration, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended (electronically recorded) and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Allsbrook, the Committee Substitute bill is placed on the Calendar for Friday, July 22 (electronically recorded).

S. J. R. 653, a joint resolution authorizing the Legislative Research Commission to study the creation of a Pollution Prevention Pays Research Center in North Carolina, with a favorable report.

On motion of Senator Hardison, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 697, a bill to appropriate funds for Highway Patrol badges, with a favorable report, as amended.

On motion of Senator Hardison, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded.)

Senator Allred objects to the third reading of the bill, as amended.

Senator Davis offers a motion to suspend the rules to allow the bill, as amended, to be considered upon its third reading, which motion fails to prevail.

The bill, as amended, remains on the Calendar for further consideration.

S. B. 701, a bill creating the Hazardous Waste Study Commission of 1983, with a favorable report, as amended.

On motion of Senator Hardison, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes is second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger without engrossment.

H. B. 517 (Committee Substitute), a bill to revise the statutes relating to the State Auditor, with a favorable report.

On motion of Senator Hardison, the rules are suspended (electronically recorded) and the Committee Substitute bill is placed before the Senate for immediate consideration, upon third reading.

Senator Walker offers Amendment No. 1.

Senator Warren, seconded by Senator Redman, offers a motion that Amendment No. 1 do lie upon the table, which motion prevails. Amendment No. 1 lies upon the table.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 779 (Committee Substitute), a bill to modify the certificate of need law for life care centers, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended (electronically recorded) and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in the Senate Committee Substitute bill.

The Chair declares the Senate in recess until 5:15 P.M. for the purpose of committee meetings.

July 21, 1983

AFTERNOON SESSION — 5:15 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

CONFERENCE REPORT

Senator Tison, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 165** (House Committee Substitute), a bill to create the felony offenses of child abuse, use of a child in a sexual performance, and promoting a sexual performance by a child, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the House Committee Substitute for Senate Committee Substitute for Senate Bill 165 (Third Edition, engrossed 7-15-83) entitled AN ACT TO CREATE THE FELONY OFFENSES OF CHILD ABUSE, USE OF A CHILD IN A SEXUAL PERFORMANCE AND PROMTOING A SEXUAL PERFORMANCE BY A CHILD, wish to report as follows: The Conference Committee recommends that the differences between the Senate and House of Representatives regarding the House Committee Substitute for the Senate Committee Substitute for Senate Bill 165 (Third Edition, Engrossed 7-15-83) be resolved by the adoption of the text attached to this CONFERENCE REPORT.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 21st day of July, 1983

Ben Tison	H. Parks Helms
Anthony E. Rand	Martin Nesbitt
Dennis Winner	Annie B. Kennedy
Elton Edwards	Harry E. Payne Jr.
Ollie Harris	
Conferees on the part	*Conferees on the part*
of the Senate	*of the House of Representatives*

The text of the Conference Report on **S. B. 165** is as follows:

A BILL ENTITLED THE CHILD PROTECTION ACT OF 1983.

The General Assembly of North Carolina enacts:

Section 1. G. S. 14-318.4 is amended by rewriting the last line of subsection (a) to read: "is guilty of child abuse and shall be punished as a Class I felon." and by adding new subsections (a1) and (a2) to read:

"(a1) Any parent of a child less than 16 years of age, or any other person providing care to or supervision of the child, who commits, permits, or encourages any act of prostitution with or by the juvenile is guilty of child abuse and shall be punished as a Class I felon.

(a2) Any parent or legal guardian of a child less than 16 years of age who commits or allows the commission of any sexual act upon a juvenile is guilty of a Class I felony."

Sec. 2. G. S. 14-190.6 is amended by inserting the following language between "under this Article" and "and": "other than G. S. 14-190.12".

Sec. 3. Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-190.12. **Sexual performance by child.** — (a) The use of a child in a sexual performance or the promotion of such a performance by a child shall be punished as a Class I felony. A person is guilty of the use of a child in a sexual performance if, knowing the character and content of the performance, he employs, authorizes, or induces a child whom he knows or reasonably should know is less than 16 years of age to engage in such performance. The parent, legal guardian, or custodian of a child less than 16 years of age is guilty of the use of a child in a sexual performance if he consents to the child's participation in such performance. A person is guilty of the promotion of a sexual performance by a child if, knowing the character and content of the performance, he produces, directs, or promotes such performance by a child who he knows or reasonably should know is less than 16 years of age.

For purposes of this section, promotion includes manufacture, delivery, or dissemination. A sexual performance is any play, motion picture, photograph, dance, or other visual presentation exhibited before an audience which includes sexual intercourse, buggery, bestiality, masturbation, sadomasochism, or lewd and lascivious exhibition of the genitals by a child less than 16 years of age.

(b) In addition to any other penalty imposed by law, a person found guilty of violating subsection (a) may be remanded by the court to a State authorized psychiatric facility to receive treatment and counseling for at least 90 days, to be served as a concurrent portion of any imposed sentence."

Sec. 4. This act shall become effective October 1, 1983, and shall apply to offenses committed on or after that date.

On motion of Senator Tison, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 165
(House Committee Substitute)

HOUSE OF REPRESENTATIVES
July 21, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the conferees on House Com. Sub. for SCS for S. B. No. 165, A BILL TO BE ENTITLED AN ACT TO CREATE THE FELONY OFFENSES OF CHILD ABUSE, USE OF A CHILD IN A SEXUAL PERFORMANCE AND PROMOTING A SEXUAL PERFORMANCE BY A CHILD, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

The bill is ordered enrolled.

July 21, 1983

H. B. 775
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
July 21, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that Representative Pool and Bob Etheridge have been named as additional conferees on Senate Committee Substitute for House Committee Substitute for House Bill No. 775, A BILL TO BE ENTITLED AN ACT TO CLARIFY A SHERIFF'S PERSONAL LIABILITY FOR THE ACTS OF HIS DEPUTIES.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

The President appoints Senators Hipps and Rand as additional conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 682, a bill to prohibit possession and consumption of malt beverages and unfortified wine on public school property, for concurrence in House Amendments Nos. 1 and 2.

On motion of Senator Hunt, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Hunt, the Senate concurs in the House Amendments Nos. 1 and 2 and the bill is ordered enrolled.

H. B. 1475, a bill to make technical amendments to the Teachers' and State Employees' Comprehensive Major Medical Plan.

On motion of Senator Hardison, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

Senator Lawing offers Amendment No. 1 which fails of adoption (electronically recorded).

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

On motion of Senator Lawing, seconded by Senator Rauch, the Senate adjourns to meet tomorrow at 11:00 A.M.

ONE HUNDRED THIRTY-SEVENTH DAY

SENATE CHAMBER,
Friday, July 22, 1983.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, even as we begin this meeting today our thoughts and energies are directed not at beginnings, but at endings. Times of passage are hard for us, even when we

rejoice in them. There is in us a feeling of good things left undone and of things done that might have been done more effectively, and also of things done we wish now we had not done. For our faults, our shortcomings, our offenses against Your will and hope for us, we ask Your forgiveness. Help us today to concentrate on the good that has been done in this place by these people. We celebrate those accomplishments of virtue when Your spirit enabled us to rise above party, race, and region. We give You thanks for laws enacted that will issue in justice and works of compassion among the people. We praise Your name for all that has been done here that reinforces our heritage of freedom and equality of opportunity, and we are grateful for the part, whether large or small, that each of us has been privileged to play in the work of this Assembly. Remind us daily of Your presence and Your expectations of us, O God, in our work, our play, our public and our private lives, that we may continue in Your favor now and forever. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Wright and Harris of Mecklenburg for today and to Senator Hancock for a portion of today's Session. Leaves of absence granted previously to Senators Marvin, Soles, and Tally are noted.

Senator Rauch acts as Reading Clerk for today's Session.

The President recognizes the following pages who served in the Senate this week: Sondra Brown, Raleigh; David Cooke, Asheboro; Skipper Cooke, Raleigh; Jamie Ferebee, Raleigh; Anthony Geddie, Fayetteville; Gina Harris, Raleigh; Michele Hilliard, Elm City; Cheryl Holland, Raleigh; Barry Jackson, Raleigh; Charles Jackson, Raleigh; Crystal Jones, Raleigh, Cynthia Kitchen, Raleigh; Amy Lipscomb, Raleigh; Beth MacFadyen, Raleigh; Jennifer Martin, Raleigh; Dennis Peebles, Raleigh; Michele Peebles, Raleigh; Jessica Perry, Wake Forest; Darryl Shipman, Goldsboro; Kim Wells, Youngsville; and Amanda West, Lenoir.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 165 (House Committee Substitute), an act entitled the Child Protection Act of 1983. (Ch. 916)

S. J. R. 332, a joint resolution directing the North Carolina Courts Commission to study the problem of the North Carolina Court of Appeals' case overload. (Res. 52)

S. B. 682, an act to prohibit possession and consumption of malt beverages and unfortified wine on public school property. (Ch. 917)

S. B. 699, an act to appoint persons to various public offices upon the recommendation of the President of the Senate. (Ch. 911)

H. B. 457 (Committee Substitute No. 2), an act to permit a successful appellant of an agency decision to recover attorney's fees from the agency in certain circumstances. (Ch. 918)

H. B. 517 (Committee Substitute), an act to revise the statutes relating to the State Auditor. (Ch. 913)

H. B. 552 (Committee Substitute), an act to provide that when an agency imposes a monetary civil or monetary administrative penalty and judicial review is available under the Administrative Procedure Act, the petitioner may elect a *de novo* review. (Ch. 919)

H. B. 779 (Committee Substitute), an act to modify the certificate of need law for life care centers. (Ch. 920)

H. B. 806 (Committee Substitute No. 3), an act to clarify the duty to stop in event of a motor vehicle accident. (Ch. 912)

H. B. 1045 (Committee Substitute), an act to establish the Small Business Finance Study Commission. (Ch. 914)

H. B. 1169 (Committee Substitute), an act to create a study commission to examine alternatives for increasing public awareness of the importance of agriculture, forestry, and seafood in North Carolina. (Ch. 915)

H. B. 1379 (Committee Substitute), an act creating the Criminal Code Revision Study Committee. (Ch. 921)

H. B. 1475, an act to make technical amendments to the Teachers' and State Employees' Comprehensive Major Medical Plan. (Ch. 922)

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 697, a bill to appropriate funds for Highway Patrol badges, as amended, upon third reading.

The bill, as amended, fails to pass its third reading (electronically recorded).

S. B. 651 (Committee Substitute), a bill to consolidate functions relating to building regulations, design, construction, and facilities management within the Department of Administration.

Senator Winner offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Allsbrook to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee:**

S. B. 313, a bill to appropriate funds for the rehabilitation of St. Joseph's A.M.E. Church in Durham, North Carolina, with an unfavorable report as to bill, but favorable as to Committee Subtitute bill.

On motion of Senator Hardison, the rules are suspended (electronically recorded) and the Committee Substitute bill, which changes the title to read **S. B. 313** (Committee Substitute), a bill making appropriations for various local projects, is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

Senator Martin offers Amendment No. 1 which he subsequently withdraws.

Senator Barnes of Wayne rises to a point of order as to the provisions of a bill which lies upon the table being included in this Committee Substitute bill. The Chair defers a ruling.

Without objection, the Committee Substitute bill is temporarily displaced.

The Chair declares the Senate in recess until 12:30 P.M. for the purpose of committee meetings.

AFTERNOON SESSION — 12:30 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

CALENDAR (Continued)

S. B. 313 (Committee Substitute), a bill making appropriations for various local projects, earlier temporarily displaced, is placed before the Senate for further consideration.

Senator Jordan offers Amendment No. 2 which is adopted (electronically recorded).

Senator Barnes of Wayne offers Amendment No. 3 deleting Amendment No. 2 in its entirety, which fails of adoption (electronically recorded).

Senator Martin offers Amendment No. 4, identical to Amendment No. 1, which fails of adoption (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings.

The following Senators request to be recorded voting "no" on lines 21 and 22 of page 29 of the Committee Substitute bill, as amended: Senators Barnes of Wayne, Winner, Johnson, Ward, Redman, Warren, Plyler, and Hancock.

Without objection, the Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special messenger, without engrossment.

S. B. 651 (Committee Substitute), a bill to consolidate functions relating to building regulations, design, construction, and facilities management within the Department of Administration, as amended, upon third reading.

Senator Allsbrook withdraws his objection to the third reading of the Committee Substitute bill made earlier today, and the bill is placed before the Senate for further consideration.

Senator Allsbrook requests to be recorded voting "no."

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered, without objection, sent by special messenger to the House of Representatives for concurrence in Senate Amendment No. 1, without engrossment.

RECALL FROM ENROLLING

H. B. 933 (Committee Substitute No. 2), a bill to authorize the alteration of a marriage license when a party to the marriage lawfully changes his or her name.

On motion of Senator Swain, the Conference Report for Committee Substitute No. 2 is recalled from the Enrolling Office.

Senator Swain offers a motion that the vote by which the Conference Report was adopted be reconsidered, which motion prevails.

The Conference Report is recommitted to the Conference Committee.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 622 (Committee Substitute No. 2), a joint resolution authorizing the Legislative Research Commission to study security interests in farm products. (Res. 53)

S. J. R. 653, a joint resolution authorizing the Legislative Research Commission to study the creation of a Pollution Prevention Pays Research Center in North Carolina. (Res. 54)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 605 (Committee Substitute), a bill to appropriate funds for the development of a water quality management plan for the Neuse River Basin and to create a Legislative Commission to review water pollution problems and water resources needs, and oversee the development of the Neuse River Basin Water Quality Management Plan, for concurrence in House Amendment No. 1.

On motion of Senator Thomas of Craven, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Craven, the Senate concurs (electronically recorded) in House Amendment No. 1 and the Committee Substitute bill is ordered enrolled.

S. B. 662, a bill to allow sanitary districts to make assessments against benefitted property for water and sewer projects, for concurrence in House Amendment No. 1.

On motion of Senator Allsbrook, the rules are suspended and the bill is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Senate concurs (electronically recorded) in House Amendment No. 1 and the bill is ordered enrolled.

S. J. R. 693 (House Committee Substitute), a joint resolution setting the time for adjournment of the 1983 General Assembly to reconvene in 1984, and limiting the subjects that may be considered in that Session, for concurrence in the House Committee Substitute joint resolution.

Without objection, on motion of Senator Lawing, the rules are suspended and the House Committee Substitute joint resolution is placed before the Senate for immediate consideration.

Senator Lawing moves that the Senate do not concur in the House Committee Substitute joint resolution and further moves that the President appoint conferees, which motion prevails. The President appoints Senators Lawing, Royall, and Swain as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 701, a bill creating the Hazardous Waste Study Commission of 1983, for concurrence in House Amendments Nos. 1 and 2.

Without objection, on motion of Senator Thomas of Craven, the rules are suspended and the bill is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Craven, the Senate concurs in House Amendments Nos. 1 and 2, and the bill is ordered enrolled.

The Chair declares the Senate in recess until 2:30 P.M. for the purpose of committee meetings.

AFTERNOON SESSION — 2:30 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

SPECIAL MESSAGES (Continued)

H. B. 1476, a bill making additional appropriations for various local projects.

On motion of Senator Harris of Cleveland, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S. J. R. 693
(House Committee Substitute)

HOUSE OF REPRESENTATIVES
July 22, 1983

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Com. Sub. to SJR No. 693, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 1983 GENERAL ASSEMBLY TO RECONVENE IN 1984, AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, the Speaker has appointed as conferees on the part of the House, Representatives Hunt, Barbee, and Colton to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully
S/ GRACE COLLINS
Principal Clerk

H. B. 810
(Senate Committee Substitute No. 2)

HOUSE OF REPRESENTATIVES
July 22, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Sen. Com. Sub. #2 to H. B. No. 810, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE GOVERNOR'S ADMINISTRATIVE RULES REVIEW COMMISSION, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

July 22, 1983

CONFERENCE REPORTS

S. J. R. 693 (House Committee Substitute)

Senator Lawing, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. J. R. 693** (House Committee Substitute), a joint resolution setting the time for adjournment of the 1983 General Assembly to reconvene in 1984, and limiting the subjects that may be considered in that Session, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for Senate Joint Resolution 693, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 1983 GENERAL ASSEMBLY TO RECONVENE IN 1984, AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, wish to report as follows: The Senate concurs in the House Committee Substitute with the following amendment:

On page 1 line 6, delete "2:00 p.m.", and insert in lieu thereof "3:15 p.m."
The House concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 22nd day of July 1983

W. Craig Lawing
Kenneth C. Royall, Jr.
Robert S. Swain
Conferees on the part
of the Senate

John J. Hunt
Allen C. Barbee
Marie W. Colton
Conferees on the part
of the House of Representatives

On motion of Senator Lawing, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 810 (Senate Committee Substitute #2)

Senator Edwards of Caldwell, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 810** (Senate Committee Substitute No. 2), a bill to establish the Governor's Administrative Rules Review Commission, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Committee Substitute #2, Adopted on July 14, 1983, to House Bill 810, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE GOVERNOR'S ADMINISTRATIVE RULES REVIEW COMMISSION, wish to report as follows: The Conference Committee recommends that the differences between the

Senate and House of Representatives regarding the Senate Committee Substitute #2 adopted July 14, 1983 for House Bill 810 be resolved by the adoption of the text attached to this CONFERENCE REPORT.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 22nd day of July, 1983.

JIM EDWARDS, *Chairman*
HENSON BARNES
HAROLD W. HARDISON
OLLIE HARRIS
ROBERT B. JORDAN III
Conferees on the part of the Senate

WILLIAM T. WATKINS
ALLEN ADAMS
ALLEN C. BARBEE
GEORGE W. MILLER, JR.
Conferees on the part of the House of Representatives

The text attached to the Conference Report on **H. B. 810** is as follows:

A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE GOVERNOR'S ADMINISTRATIVE RULES REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 143B of the General Statutes is amended by designating the existing sections as Part 1 and adding a new Part 2 to read:

"Part 2. Governor's Administrative Rules Review Commission.

"§ 143B-29.1. **Governor's Administrative Rules Review Commission established.** — The Governor's Administrative Rules Review Commission is hereby created in the Office of the Governor. The Commission shall consist of ten members, four to be appointed by the Governor and six by the General Assembly, three upon the recommendation of the President of the Senate, and three upon the recommendation of the Speaker of the House of Representatives. Appointments by the General Assembly shall be made in accordance with G. S. 120-121 and vacancies in those appointments shall be filled in accordance with G. S. 120-122. All appointees shall serve two-year terms. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of any member shall be for the balance of the unexpired term. The Chairman shall be appointed by the Governor.

The Commission shall meet at such times and places as the Chairman shall designate but in any event shall meet at least once a month.

Members of the Commission who are not officers or employees of the State shall receive compensation and reimbursement for travel and subsistence expenses at the rates specified in G. S. 138-5. Members of the Commission who are officers or employees of the State shall receive reimbursement for travel and subsistence at the rate set out in G. S. 138-6.

A quorum of the Commission shall consist of the Chairman and four other Commission members, or a majority of the Commission, whichever is fewer.

"§ 143B-29.2. **Review of rules.** — (a) Rules adopted by an agency to be effective on or after January 1, 1984, shall be filed in the office of the Governor prior to the filing made with the Attorney General pursuant to G. S. 150A-59.

(b) After a rule is filed with the Governor, he shall submit it to the Commission which shall determine whether the rule:

(1) is within the statutory authority of the agency;

(2) is clear and unambiguous;

(3) is necessary.

The commission shall review a rule submitted to it by the Governor not later than the last day of the first calendar month following the filing of the rule with the Governor. The Commission, by a majority vote of the members present and voting, may extend the time for review of a rule by 60 days to obtain additional information on a rule. The Commission shall file notice of the extension of time for review of a rule with the agency and the Attorney General. Upon that filing, the effectiveness of the rule is delayed for a 60-day period.

(c) If the Commission finds that an agency did not act within its statutory authority in promulgating a rule or a part of a rule, or that a rule is not clear and unambiguous, or that a rule is unnecessary, the Commission shall object and delay the effectiveness of said rule or part of a rule. The Commission shall transmit to the agency, the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Attorney General a written report of the objection and delay of the rule or its part and the reasons for the delay. The delay of the effectiveness of the rule or its part is effective when the Attorney General receives the written report transmitted by the Commission. A rule or its part that is delayed is not 'effective', as defined by G. S. 150A-2(2a).

(d) Within 30 days after receipt of the Commission's written report, an agency shall either amend or repeal the rule to cure the defects cited as reasons for the Commission's objection or return the rule unamended to the Commission.

(e) While the effectiveness of a rule or its part is delayed, the agency which has promulgated it may not adopt another rule which has substantially identical provisions to those for which the Commission delayed the effectiveness of the original rule or part of a rule.

(f) The filing of an amendment to a rule places the entire rule before the Commission for its review.

(g) If an agency does not amend or repeal a delayed rule to cure the defects cited as reasons for the Commission's objection and delay, the Commission shall veto the rule. The Commission shall transmit to the agency, the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Attorney General the written report of the veto of the rule. A rule that is vetoed is not 'effective', as defined by G. S. 150A-2(2a).

"§ 143B-29.3. **Temporary rules.** — Rules adopted in accordance with the procedures in G. S. 150A-13 shall be reviewed by the Commission and are subject to objection as provided in G. S. 143B-29.2. The Commission shall review the reasons given for the adoption of a temporary rule and may veto the rule due to the agency's failure to make the finding required by G. S. 150A-13.

"§ 143B-29.4. **Hearings.** — (a) Notwithstanding the time limitation on review of rules contained in G. S. 143B-29.2, the chairman of the Commission may at any time call a public hearing before the Commission on any rule or part of a rule upon the recommendation of the Commission or upon motion of any member of the Commission. Within 60 days after the public hearing, the Commission may find that the agency did not act within its statutory authority in promulgating the rule, or that the rule is not clear and unambiguous or that the rule is unnecessary, and object to the rule in accordance with G. S. 143B-29.2.

(b) At least 15 days before the hearing, notice of the hearing shall be given to the rule-making agency and to such other persons that desire to be heard, that the Chairman of the Commission considers to be persons that may be affected by the rule or that may request copies of the notice.

"§ 143B-29.5. **Failure to object and delay; inadmissibility into evidence.** — (a) The failure of the Commission to object to and delay the effectiveness of a rule or its part shall not be deemed to be approval of the statutory authority of the rule or its part by the Commission.

(b) Evidence of the Commission's failure to object to and delay the effectiveness of the rule or its part shall be inadmissible in all civil or criminal trials or other proceedings before courts, administrative agencies or other tribunals."

Sec. 2. Article 6C of Chapter 120 of the General Statutes is repealed.

Sec. 3. G. S. 150A-12(b) is amended by deleting "Director of Research of the Legislative Services Commission".

Sec. 4. G. S. 150A-13(a) and (b) are amended by deleting "and the Legislative Research Commission's Administrative Rules Review Committee".

Sec. 5. G. S. 150A-59(c) is amended by adding a new sentence at the end to read: "The effectiveness of rules adopted prior to December 31, 1983, shall not be affected by the imposition of the filing requirement with the Governor under G. S. 150A-60(5)."

Sec. 6. G. S. 150A-60(4) is amended by inserting a period after "Attorney General" and by deleting the remaining language of that section.

Sec. 7. The first sentence of G. S. 150A-12(b) is rewritten to read:

"The agency shall transmit copies of the notice to the Attorney General, the Governor, and all persons who have requested the agency in writing for advance notice of proposed action which may affect them."

Sec. 8. The second sentences of G. S. 150A-13(a) and (b) are amended by inserting after "Attorney General" and before "with the" the following: "and the Governor".

Sec. 9. G. S. 150A-60(4) is rewritten to read as follows:

"(4) Be in the physical form specified by the Attorney General; and

(5) Bear a notation by the Governor that the rule has been filed in accordance with Part 2 of Article 1 of Chapter 143B. This subsection does not apply to rules adopted by the Industrial Commission, the Utilities Commission, or the Department of Transportation relating to traffic sign ordinances, and road and bridge weight limits."

Sec. 10. G. S. 150A-63.1 is amended by inserting "**and Governor's Administrative Rules Review Commission**" between "**Committee**" and "**reports**" in the catchline and is further amended by inserting "or the Governor's Administrative Rules Review Commission's" between "Committee's" and "objection" in the first sentence.

Sec. 11. G. S. 143B-14(b) is amended by adding a new sentence at the end of the subsection to read: "Provided, however, that the provisions of this subsection shall not apply to the review of rules by the Governor's Administrative Rules Review Commission."

Sec. 12. On November 1, 1983, the Legislative Services Officer shall transfer from the funds appropriated to the Legislative Research Commission's Administrative Rules Review Committee to the Office of the Governor for the work of the Governor's Administrative Rules Review Commission all unencumbered funds.

Sec. 13. the second sentence of G. S. 150A-1(a) is amended by inserting after "Chapter:" and before "the Employment Security Commission" the following: "The Governor's Administrative Rules Review Commission,".

Sec. 14. This act shall become effective November 1, 1983, except for Sections 2, 3, 4, and 6 which shall become effective August 1, 1983.

On motion of Senator Edwards of Caldwell, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

July 22, 1983

S. B. 313 (Committee Substitute), an act making appropriations for various local projects. (Ch. 923)

S. B. 605, an act to appropriate funds for the development of a water quality management plan for the Neuse River Basin and to create a Legislative Commission to review water pollution problems and water resources needs, and oversee the development of the Neuse River Basin Water Quality Management Plan. (Ch. 924)

S. B. 662, an act to allow sanitary districts to make assessments against benefitted property for water and sewer projects. (Ch. 925)

S. B. 701, an act creating the Hazardous Waste Study Commission of 1983. (Ch. 926)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives.

S. J. R. 693
(House Committee Substitute)

HOUSE OF REPRESENTATIVES
July 22, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Com. Sub. for SJR No. 693, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMANT OF THE 1983 GENERAL ASSEMBLY TO RECONVENE IN 1984, AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

The joint resolution is ordered enrolled.

S. B. 222, a bill to allow any unused portion of the tax credit provided for conversion of an industrial boiler to wood fuel to be carried forward for five years, for concurrence in House Amendment No. 1.

Without objection, on motion of Senator Rauch, the rules are suspended and the bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Senate concurs (electronically recorded) in House Amendment No. 1 and the bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 222, a bill to allow any unused portion of the tax credit provided for conversion of an industrial boiler to wood fuel to be carried forward for five years. (Ch. 929)

H. B. 810 (Senate Committee Substitute No. 2), a bill to establish the Governor's Administrative Rules Review Commission. (Ch. 927)

H. B. 1476, a bill making additional appropriations for various local projects. (Ch. 928)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 559 HOUSE OF REPRESENTATIVES
(Senate Committee Substitute) July 22, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body that the conferees on Senate Committee Substitute for House Committee Substitute for House Bill No. 559, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE TO REGULATE HAZARDOUS WASTE LANDFILLS AND SURFACE IMPOUNDMENTS FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE, have been dismissed and the following new conferees have been appointed: Representatives Nesbitt, Chairman, Barnes, Payne, Bruce Etheridge, and Lee.

Respectfully,
S/ GRACE COLLINS
Principapal Clerk

Without objection, the President discharges the conferees and further appoints as second conferees on the part of the Senate the following: Senators Royall, Chairman; Barnes of Wayne, Swain, Duncan, and Edwards of Caldwell. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 693 (House Committee Substitute), a joint resolution setting the time for adjournment of the 1983 General Assembly to reconvene in 1984, and limiting the subjects that may be considered in that Session. (Res. 55)

The President orders a message sent to the House of Representatives informing that Honorable Body that the Senate has completed the busines before it and stands ready to adjourn upon receipt of a like message from that Honorable Body.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. J. R. 693 HOUSE OF REPRESENTATIVES
(House Committee Substitute) July 22, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body respectfully advising that the business of the House has been concluded and that this Body will be ready to adjourn pursuant to House Committee Substitute for Senate Joint Resolution 693, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 1983 GENERAL ASSEMBLY TO RECONVENE IN 1984, AND LIMITING THE SUBJECTS

THAT MAY BE CONSIDERED IN THAT SESSION, upon notification that your Honorable Body stands ready to adjourn.

Respectfully,
S/ GRACE COLLINS
Princiapal Clerk

The Senate having completed the business before it, Senator Lawing offers a motion, seconded by Senator Rand, that the Senate do now adjourn to reconvene at Noon on the second day after the 1984 second primary, in accordance with **S. J. R. 693,** which motion prevails.

The hour for adjournment fixed by **S. J. R. 693,** passed by the two Houses, having arrived, the President of the Senate declares the Senate stands ajourned to reconvene at Noon on the second day after the 1984 second primary.

JAMES C. GREEN
President of the Senate

SYLVIA MORRIS FINK
Principal Clerk of the Senate

ADDENDUM

ERRATA

Page 362:

The following bills were inadvertently omitted from the report of the **Human Resources Committee** submitted May 4, 1983, and placed on the Calendar for May 5 for consideration:

H. B. 143 (Committee Substitute), a bill to clarify the definition of day-care plan, with a favorable report, as amended.

H. B. 144 (Committee Substitute), a bill to remove mental retardation from the conditions prohibiting a person from work in a day-care center, with a favorable report.

H. B. 598, a bill to exempt the Division of Mental Health, Mental Retardation and Substance Abuse Services from the Social Services Commission's Title XX rule making authority, with a favorable report.

H. B. 676, a bill to amend the definition of catchment area, with a favorable report.

H. B. 689, a bill to insure privacy of area mental health, mental retardation and substance abuse authority employee personnel records, with a favorable report.

Page 482

The following bills were inadvertently omitted from the report of the **Judiciary II Committee** submitted May 31, 1983, and placed on the Calendar for June 1 for consideration:

H. B. 893, a bill amending the eligibility requirements for ABC store mixed beverage elections and the authorization of special occasion and limited special occasion permits, with a favorable report.

H. B. 969, a bill to clarify procedures for contesting debts submitted for collection under the Setoff Debt Collection Act, with a favorable report.

Page 832

S. B. 333, a bill to reduce the years a judge must have served before retirement to qualify as an emergency judge, is reflected as having been received by the Senate for concurrence in House Amendments No. 1 and No. 2. Actually, House Amendment No. 2 was tabled by a vote of 64-29 in the House of Representatives and inadvertently returned to the Senate. A vote for concurrence was taken *only* upon House Amendment No. 1 by the Senate.

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 50 states:

> No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two thirds of the membership of the Senate.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

(1) when a member moves that the Rule be suspended, and this motion prevails by at least a two-thirds vote of the membership of the Senate, or

(2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases, the bill is read a third time.

Sylvia Fink
Principal Clerk

It will be noted that when a bill passes its second reading and remains on the Calendar for further consideration, unless indicated otherwise, the measure is placed on the Calendar for the next legislative day.

Sylvia Fink
Principal Clerk

APPENDIX

NORTH CAROLINA GENERAL ASSEMBLY SENATORIAL DISTRICTS

(G. S. 120-1)

DISTRICTS Seats		COUNTIES (Townships and Precincts)
1st	(1)	CAMDEN, CURRITUCK, DARE, HYDE, PASQUOTANK, PERQUIMANS, TYRRELL, BEAUFORT (Townships of Bath, Long Acre, Pantego, Richland, Washington), WASHINGTON (Townships of Scuppernong, Skinnersville).
2nd	(1)	BERTIE, CHOWAN, GATES, HERTFORD, NORTHAMPTON, EDGECOMBE (Townships of 3 — Upper Conetoe and 4 — Deep Creek), HALIFAX (Townships of Conoconnara, Halifax, Palmyra, Roseneath, Scotland Neck), MARTIN (Townships of Goose Nest, Hamilton, Robersonville), WASHINGTON (Townships of Lees Mills, Plymouth).
3rd	(1)	CARTERET, CRAVEN, PAMLICO.
4th	(1)	ONSLOW.
5th	(1)	DUPLIN, JONES, LENOIR, PENDER (Townships of Columbia, Union).
6th	(1)	WARREN, EDGECOMBE (Townships of 1 — Tarboro, 2 — Lower Conetoe, 5 — Lower Fishing Creek, 6 — Upper Fishing Creek, 7 — Swift Creek, 8 — Sparta, 9 — Otter Creek, 10 — Lower Town Creek, 11 — Walnut Creek, 12 — Rocky Mount, 13 — Cokey, 14 — Upper Town Creek), HALIFAX (Townships of Brinkleyville, Butterwood, Enfield, Faucett, Littleton, Roanoke Rapids, Weldon).
7th	(1)	NEW HANOVER, PENDER (Townships of Burgaw, Canetuck, Caswell, Grady, Holly, Long Creek, Rocky Point, Topsail).
8th	(1)	GREENE, WAYNE.
9th	(1)	PITT, BEAUFORT (Township of Chocowinity), MARTIN (Townships of Beargrass, Cross Roads, Griffins, Jamesville, Poplar Point, Williams, Williamston).
10th	(1)	WILSON, NASH (Townships of Coopers, Jackson, Nashville, North Whitakers, Oak Level, Red Oak, Rocky Mount, South Whitakers, Stony Creek).
11th	(1)	FRANKLIN, VANCE, NASH (Townships of Baileys, Castalia, Dry Wells, Ferrells, Griffins, Mannings), WAKE (Townships of Bartons Creek, Leesville, Little River, New Light, Wake Forest).
12th	(2)	CUMBERLAND (Townships of Black River, Carvers Creek, Cedar Creek, Cross Creek, Eastover, Gray's Creek, Manchester, Pearces Mill, Rockfish, Seventy-First).
13th	(2)	DURHAM, GRANVILLE, PERSON, ORANGE (Townships of Cedar Grove, Eno, Little River).

14th	(3)	HARNETT, LEE, WAKE (Townships of Buckhorn, Cary, Cedar Fork, Holly Springs, House Creek, Marks Creek, Meredith, Middle Creek, Neuse, Panther Branch, Raleigh, St. Mary's, St. Matthew's, Swift Creek, White Oak).
15th	(1)	JOHNSTON, SAMPSON.
16th	(2)	CHATHAM, MOORE, RANDOLPH, ORANGE (Townships of Bingham, Chapel Hill, Cheeks, Hillsborough).
17th	(2)	ANSON, MONTGOMERY, RICHMOND, SCOTLAND, STANLY, UNION.
18th	(1)	BLADEN, BRUNSWICK, COLUMBUS, CUMBERLAND (Township of Beaver Dam).
19th	(1)	FORSYTH (Townships of Belews Creek, Kernersville), GUILFORD (Townships of Bruce, Center Grove, Clay, Fentress, Greene, Madison, Monroe, Oak Ridge, Rock Creek, Washington; Precincts of Friendship I, Greensboro 10, 20, 21, 27, 28, 32, 34, 35).
20th	(2)	FORSYTH (Townships of Abbotts Creek, Bethania, Broadbay, Clemmonsville, Lewisville, Middle Fork, Old Richmond, Old Town, Salem Chapel, South Fork, Vienna, Winston).
21st	(1)	ALAMANCE, CASWELL.
22nd	(4)	CABARRUS, MECKLENBURG.
23rd	(2)	DAVIDSON, DAVIE, ROWAN.
24th	(2)	ALLEGHANY, ASHE, ROCKINGHAM, STOKES, SURRY, WATAUGA.
25th	(3)	CLEVELAND, GASTON, LINCOLN, RUTHERFORD.
26th	(2)	ALEXANDER, CATAWBA, IREDELL, YADKIN.
27th	(2)	AVERY, BURKE, CALDWELL, MITCHELL, WILKES.
28th	(2)	BUNCOMBE, McDOWELL, MADISON, YANCEY.
29th	(2)	CHEROKEE, CLAY, GRAHAM, HAYWOOD, HENDERSON, JACKSON, MACON, POLK, SWAIN, TRANSYLVANIA.
30th	(1)	HOKE, ROBESON.
31st	(1)	GUILFORD (Townships of Jefferson, Sumner, High Point Census Tract 166 [Block 921]; Precincts of Greensboro 3, 4, 5, 6, 7, 8, 9, 11, 19, 25, 29, 30, High Point 3, 5, 6, 7, 11, 12, 19, Jamestown 1, 2, 3).
32nd	(1)	GUILFORD (Township of Deep River; Precincts of Friendship II, Greensboro 1, 2, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 26, 31, 33, 36, High Point 1, 2, 4, 8, 9, 10, 13, 14, 15, 16, 17, 18, 20, 21).

SENATE RESOLUTIONS

FIRST SESSION 1983

Adopted February 3, 1983

S. R. 24, A SENATE RESOLUTION EXPRESSING THE WILL OF THE NORTH CAROLINA SENATE THAT A CHAPLAIN, WHOSE SALARY BE PAID FROM ALREADY APPROPRIATED STATE FUNDS, BE EMPLOYED FOR THE SENATE.

Be it resolved by the Senate:

WHEREAS, the Senate of North Carolina recognizes the need for spiritual assistance in its daily deliberations; and

WHEREAS, this need has been recognized in the appropriations made to the Senate for temporary wages for this fiscal year by the whole General Assembly; and

WHEREAS, both the Senate of North Carolina and the U.S. House of Representatives have a long-standing practice of employing chaplains to help in rendering this assistance;

Now, therefore, be it resolved by the Senate:

Section 1. A Senate chaplain be employed at the salary level set by the appropriations to the Senate. The chaplain be appointed by President of the Senate.

Sec. 2. This resolution is effective upon adoption.

Adopted February 7, 1983

S. R. 76, A SENATE RESOLUTION REQUESTING THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS TO STUDY THE FEASIBILITY OF LIMITING THE LENGTH OF LEGISLATIVE SESSIONS AND OTHER RELATED MATTERS, AND TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY BY MARCH 15, 1983.

Be it resolved by the Senate:

Section 1. Pursuant to G. S. 120-76(4) the Senate requests the Joint Legislative Commission on Governmental Operations to develop recommendations to improve the efficiency of the General Assembly, to better manage the legislative process, and to encourage and promote the service of active business, professional and other working people as citizen legislators, and to report its findings and recommendations to the General Assembly by March 15, 1983. In developing its recommendations the Senate requests that the Commission consider, among other things:

a. Appropriate action to limit the length of legislative sessions, including but not limited to an analysis of the feasibility of limiting the length of legislative sessions in the following manner:

   1. The General Assembly shall meet in an organizational session, which may not continue longer than six legislative days, on the second Monday in January in odd-numbered years.

2. The General Assembly shall meet in regular session in odd-numbered years at noon on the second Monday in March.

3. Except as provided in paragraph (d) of this subsection:

(a) No regular session of the General Assembly may continue longer than a total of 60 legislative days.

(b) No extra session of the General Assembly may continue longer than a total of 20 legislative days.

4. With the concurrence of three-fifths of all of the members of each house, a legislative session may be extended for a period not exceeding 20 legislative days.

5. No valid action, other than a resolution of adjournment, may be taken by the General Assembly after the time limits set by this subsection have expired.

b. Revision in the organization and procedures of the General Assembly which may be necessary to the implementation of limited length sessions, including but not limited to the following:

1. Deadlines for the introduction of bills, committee action, floor action on bills and for other actions.

2. The extension of some or all standing committees of the Senate and House into the interim period between legislative sessions, appropriate procedures to facilitate such extensions of standing committees, and the scope and powers of extended standing committees.

3. A reduction in the number of legislative study commissions and referral of study proposals to standing committees.

4. The organization and number of standing committees.

5. Procedures for pre-filing of bills in advance of legislative sessions, and other procedures as may be necessary to facilitate the orderly management of the introduction of bills.

6. Procedures for the referral of bills to standing committees for consideration in the interim between sessions.

7. Such other changes in statutes and rules as may be necessary.

Sec. 2. The Principal Clerk of the Senate shall transmit copies of this resolution to the co-chairmen of the Joint Legislative Commission on Governmental Operations.

Sec. 3. This resolution is effective upon adoption.

Adopted March 7, 1983

S. B. 4, A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE 1983 SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.

(See pages 119 – 136 Senate Journal)

Adopted March 28, 1983

S. R. 241, A SENATE RESOLUTION AMENDING THE PERMANENT RULES OF THE SENATE BY EXTENDING THE LOCAL BILL DEADLINE.

Be it resolved by the Senate:

Section 1. The second sentence of Senate Rule 41, as adopted by Senate Resolution 4, 1983 Session, is rewritten to read:

"All local bills must be introduced not later than April 15 of the session."

Sec. 2. This resolution is effective upon adoption.

January 12, 1983
NOMINATION OF SENATOR W. CRAIG LAWING,
PRESIDENT PRO TEMPORE, 1983 SESSION

NOMINATING REMARKS BY SENATOR MARSHALL A. RAUCH:

Mr. President, Justice Branch and other distinguished members of the Judiciary, families of our Senate, and Friends:

Today the North Carolina Senate will nominate its officers and we fortunate people who live in this great State of North Carolina and this wonderful country have so much to be grateful for.

It is imperative that we choose leaders who can take us on and continue what has been done in the past by our forefathers. We are fortunate to live in this great country where so many other people not only envy and admire but want what we have. We, therefore, must be careful as we start our term of office and we must do an outstanding job for the people of North Carolina and we must pick leaders who will do such a job.

Truly, today, as I place the name of one of our members in nomination for President Protem, I assure you we are picking a proven leader. We are picking a Senator who has distinguished himself in his own field of business having been President of his North Carolina Association of Auctioneers, having served on a national level, and a Senator who has distinguished himself in the General Assembly having served in both the House and the Senate and having two terms as President Protem of the North Carolina Senate in the past four years.

We are picking a man, we are putting a man's name in nomination who is a man of wit — a man of wisdom. A man who can work hard behind the scenes and who can work hard up front. This Senator is capable of working with our new Senators and helping them; capable of working with our experienced Senators and making them even more able to pass good legislation.

Senator Lawing is a gentleman who is known all over this State. He has many admirable traits. I believe one of the best is that he is a man of ability and a man of serious nature and a man with a good sense of humor. He can work hard and win and carry you with him. He can work hard and lose and even laugh at himself and go on to even better things.

I think we are very fortunate today to be able to put Senator Craig Lawing's name in nomination.

Mr. President, members of the Senate, it is with a great deal of pleasure that it is my privilege to nominate William Craig Lawing of Mecklenburg County as President Protem of the 1983 Senate of North Carolina.

FURTHER NOMINATING REMARKS BY SENATOR BENJAMIN T. TISON III:

Mr. President, Ladies and Gentlemen of the Senate, Guests:

I rise today to second the nomination of Senator Lawing for President Protem of the Senate. The reason I arise is that I think there are three attributes that an individual must have to effectively lead this Body and represent the people of North Carolina.

I think the first attribute that this individual must have is knowledge and experience. Senator Lawing's experience goes back to the many years that he served on the County Commissioners in Mecklenburg County. He first served in that office when he was in his early twenties and did a very, very formidable job.

When Craig wasn't serving on the County Commissioners he was serving on boards and commissions learning the business of government — both at the city and county levels. Since that time we all know that he has been a member of this General Assembly since 1970 serving in a very, very capable, formidable capacity.

Another attribute that I think you must have is that of intelligence and just savvy of doing the State's business. I inquired down in Mecklenburg of friends of Senator Lawing's that have known him longer than I and I asked, I said, "what do you think Craig's best asset is." And they said that was his intelligence. And I'm sure you who have dealt with Senator Lawing know that it makes no difference whether you are asking him to recall a poem that he learned in the second grade or all the details of a meeting that he attended several months ago, he has that capability.

I think he presents in his discussion of the issues a dimension in his thinking that often a lot of the rest of us forget, but he has the intelligence, the basics that it takes to do a great job.

Also, I think in leading this Body and leading this State, that you must have an individual that can communicate with the people and I think Senator Lawing's background in Paw Creek, North Carolina gives him somewhat of a unique ability to communicate with people either in the rural communities of this State or the urban centers. Paw Creek, as you know, is an area outside of Charlotte in Mecklenburg County. It's known for its professional ball players. I think that they feel they produce more professional baseball players per capita than any other area of the State. I don't know how much of that is community pride or the real pride but they do have that pride in that ability down there. And they also coming forth with the ability of producing — in my opinion and their opinion -- one of the best politicans that this State has seen in a long time.

But this communication that Senator Lawing has, I think, enables him effectively to communicate with all one hundred counties of this State and to do it well and I don't think that he would ever let anybody in this State, whether they were from his district or not, go unrepresented.

And so, Mr. President, it's with pleasure that I second the name of W. Craig Lawing as President Protem of this Body.

FURTHER NOMINATING REMARKS OF SENATOR CECIL R. JENKINS, JR.:

Mr. President, Members of the Senate, Judiciary, Fellow Friends of the North Carolina General Assembly:

It gives me great pleasure to rise and second the nomination of W. Craig Lawing as

President Protem of this 1983 — 135th Session of the North Carolina General Assembly and Senate.

Craig Lawing has dedicated his life to be a public servant of the State of North Carolina and in doing so has made many personal sacrifices to a detriment of his family and other friends.

Mr. President, I feel that among this North Carolina Senate there are a great many leaders — each and everyone of this Body is a leader. But Craig Lawing is a leader among leaders. So, Mr. President, at this time in history in the State of North Carolina is the time we need leadership and I feel that Craig Lawing is the man who can provide this type of leadership.

So, Mr. President, at this time I move that the nomination of President Protem of the 135th Session of the North Carolina Senate be closed and that W. Craig Lawing be elected by acclamation.

January 12, 1983
NOMINATION OF SENATOR KENNETH C. ROYALL, JR.
MAJORITY LEADER, 1983 SESSION

NOMINATING REMARKS BY SENATOR ROBERT B. JORDAN III:

Mr. President, Honorable Members of the Judiciary, Honored Guests, Members of the Senate:

I would like to place in nomination the name of Senator Kenneth C. Royall, Jr. Majority Leader of the 135th, 1983 Senate. Kenneth Royall now is beginning his ninth term in this Legislature. He is uniquely and eminently qualified to be our Majority Leader for the coming Session. He is a person that is fair, judicial, and completely versed in the traditions of this Senate. He has earned the respect of past legislatures as their Majority Leader. He is a leader, not only throughout this State, but across this nation, having served as Chairman of The Council of State Governments and in many other important positions. When we have questions of rules, when we have questions of etiquette, when we have questions about how to get things done in the North Carolina Senate — we turn to Ken Royall. He is excellently qualified, he is a true leader. Mr. President, I place in nomination the name of Senator Kenneth C. Royall, Jr. for Majority Leader of the 1983 Senate.

FURTHER NOMINATING REMARKS BY SENATOR J. J. HARRINGTON:

Mr. President, Members of the Senate:

It gives me great pleasure to be able to second the nomination of our Senator Kenneth Royall for Majority Leader. Kenneth Royall is as solid an individual as we have here in the General Assembly. He is a great North Carolinian and it's a great pleasure for me to second this nomination.

FURTHER NOMINATING REMARKS BY SENATOR
WILLIAM G. HANCOCK, JR.:

Mr. President, Ladies and Gentlemen of the Senate, Distinguished Guests:

It is truly a privilege and honor to be able to second the nomination of Senator

Kenneth C. Royall for our Majority Leader for the coming Session. I do so on behalf of the constituency we are privileged to serve together: the people of Durham, Person, Granville and Orange Counties. Senator Royall's career has exemplified the best qualities of leadership for many years and his community, his State, and his nation in the many positions he has held, which have been leadership posts. North Carolina throughout this period has benefitted greatly from his distinguished service in this position of Majority Leader for many years, and his considerable skills will be more in demand in the difficult times ahead than ever before in our history. It is, Mr. President, with a great sense of pride that I rise to second the nomination of Senator Royall as our Majority Leader, and in doing so, I move that the nominations be closed, and that Senator Royall be elected our Majority Leader by acclamation.

January 17, 1983

STATE-OF-THE-STATE ADDRESS
by Governor James B. Hunt, Jr.

This is the fourth State-of-the-State address I have had the honor of delivering to this General Assembly. To all of you in the Chamber, and to all the people of North Carolina, I thank you humbly and sincerely for granting me this opportunity to serve you. My family and I give thanks for all that this State has given us. Truly, North Carolina is blessed by God.

As I have done each time before, I come before you tonight to report what we in North Carolina have done — and what we have yet to do.

I come before you to affirm my faith that our best days are not behind us, but ahead of us.

I come before you to challenge those who say that our economy is doomed to failure and that our system of government is flawed and outdated and inadequate to the challenges we face, who even say that government itself *is* the problem. My friends, I do not accept that, and North Carolina deserves better than that!

I come before you to proclaim my belief that the limits on our financial resources do not mean that we have to limit our vision, our dreams and our aspirations for North Carolina.

There are no limits on what we can do, if we work together.

A tight budget is no excuse for wringing of hands — for inaction. To the contrary, the conditions that prevail today *demand* action. We must act, and we must lead!

We don't have more money to do what we need to do in North Carolina.

We can continue to cut out fat and waste. We can get our priorities in order. We can use what we already have better. And we *can* meet our responsibilities to the people of North Carolina!

You members of the General Assembly come from communities in every corner of our state. You know what is happening to the nearly six million people who live here.

As we meet tonight, the cold winds of a national economic recession are blowing through nearly every home in North Carolina.

One in ten of our people are out of work. Farms, factories and small businesses face bankruptcy. Layoffs and loss of income threaten thousands of families. One in every three

working families can hardly keep a roof over their heads, clothes on their kids and food on the table. Older people worry about living in decency and with dignity.

Their fears and their anxieties must be our agenda this year.

The people of North Carolina need good jobs. They need good paychecks. Their children need a good education.

You and I were elected by those people. We have a responsibility to them. It is our duty this year to work for them — cooperatively, compassionately and courageously. We must help them!

I welcome that responsibility, and I welcome the opportunity to work with you on their behalf.

This year, I will submit to you a legislative program that is limited in length, but unlimited in hope for the future.

It is based on a careful strategy of investing in education and economic growth, in more jobs and better schools.

That is the strategy North Carolina must have to meet the challenges that will confront us in the next two years, the next two decades and the next century. We can meet those challenges, and we must get to work doing it!

Those challenges come clearly into focus in the report of the North Carolina 2000 project. That effort, chaired brilliantly by President Bill Friday, brought more than 100,000 North Carolinians into the process of planning for tomorrow — a tomorrow that requires strong action to promise a secure economic future, provide educational opportunities, preserve our communities and protect our natural resources.

North Carolina has made a commitment to follow that path to the year 2000, and beyond.

That path has already led us to a national and international reputation as one of the best places in the nation to live, work and do business.

It has strengthened and broadened our economy. It has helped us attract 177,709 new jobs in manufacturing in the past six years. It has helped us withstand the recession better than other states. In the 1974-75 recession, our unemployment rate exceeded the nation's by almost three percent. In this recession, fewer people have lost their jobs in North Carolina than across the rest of the nation, and we have had 20 percent fewer people out of work than our neighboring states.

When I travel outside our State, people ask about our universities, our community college system, our public schools, our North Carolina School of Science and Mathematics, our Research Triangle Park and our Microelectronics Center.

They ask me: How does North Carolina do it? And I tell them: Our strategy is to invest in education and economic growth.

The program I will submit to you will continue that strategy.

It is a program and a strategy that will keep North Carolina moving.

I will propose that you strengthen instruction in our public schools in science and mathematics and in writing.

I will propose that you strengthen the capacity of our community college system to teach young people job skills and to retrain adults in new skills.

I will propose that you continue North Carolina's leadership in attracting the high-technology industries that will create the greatest number of jobs: electronics, computers, information-processing — all of them based on microelectronics technology.

I will also propose, in a special message on crime, that you give our people tough protections against the drunk driver. I hope that the "Safe Roads Act" will be your first order of business. We must get the drunk driver off the road!

The recommended budget that I will submit to you tomorrow will be the most austere North Carolina has seen in a decade.

It will contain only one expansion item.

The people who work for North Carolina, who educate our children, who help our sick and aged, who keep our roads safe, do a *good* job. They have paid the price for the recession of this year. They *deserve* a fair pay raise!

Before you conclude this legislative session, I hope the economy will have turned up enough to provide each of them an across-the-board increase.

But even with the tight budget I will present to you, I urge you to be positive in your consideration and enact what I think should be the top priority of this legislature: lifting the salary freeze for teachers and State employees.

They also deserve all the help we can afford to give them in other ways:

— Like giving teachers a duty-free lunch period, a few minutes for them to refresh themselves and prepare for the afternoon classes.

— Like increasing the travel allowance for State employees.

This year, to help us get through this budget shortfall, they have worked harder, they have worked longer hours and they have stretched everything a little farther.

Since the time this Legislature adjourned last year, our revenues have fallen short of estimates by nearly $150 million because of the lingering national recession.

But we have managed that shortfall in a way that has avoided the hardships and disruptions that states across this country have suffered.

Michigan had to cut 10,000 employees off the payroll, shut down State government for six days and cut salaries by five percent. The new governor there has just ordered that the public schools' budget be cut by $500 million.

Idaho had to put its State employees on a four-day work week, cutting pay by 20 percent.

In Minnesota, the legislature had to raise taxes and cut out programs to meet a $300 million shortfall.

In Colorado, the State police are laying off almost 10 percent of the force and cutting out some late-night patrols.

In California, the State had to borrow $400 million from the Bank of America to help meet a deficit of more than $1 billion.

When we in North Carolina saw what was coming last year — that revenues might fall short, we did not wait. We cut spending, across the board, by six percent. We put severe restrictions on hiring, purchasing and travel. We asked the public schools to save two percent of their appropriations.

We have managed the taxpayer's dollar responsibly.

This year, some people will try to tell you otherwise. They will claim that North Carolina's progress has come at too high a price, with too much spending and hiring.

My friends, those people do not know what they are talking about!

The fact is that while some people in Washington *talk* about balancing the budget, we in North Carolina *do* it.

The fact is that the growth in State employment — counting the public schools, the community colleges and the universities — has been held to a total of 5.5 percent since 1977 — less than one percent a year.

The fact is, that is 20 percent less than our average population growth of 1.25 percent a year in the same six years.

The fact is, that when education is excluded, the growth of State government since 1977 has been a *total* of 1.7 percent — less than 0.3 percent a year.

The fact is, during the last two years, we have cut nearly 2,000 jobs off the State payroll.

The fact is, that is a remarkable record. And don't let anybody try to tell you that this State and this Legislature have done otherwise!

And if Washington wants to learn how to run a government with strong economic growth and no deficits, let them come to North Carolina!

This year, I welcome this Legislature's help in finding ways to do more with what we have. My administration will be working to do that. We welcome your oversight and partnership.

We will be replacing welfare with workfare.

We will save money by centralizing computer services in all departments under the Governor.

We will ask you to give the Department of Revenue more help to see that all of our citizens pay the taxes they owe on time and in full. And I will ask you to pass a statute that will make tax evasion a felony.

I will *oppose* any efforts to erode our tax base, just as I will oppose any efforts to raise general taxes. North Carolina has one of the lowest tax burdens in the nation, and we cannot afford to lose that advantage over other States.

We are competing with states all across this nation — competing for jobs.

This year, every legislature in every state is asking the same question: What can we do to get more jobs for our people?

And those are not just states in the Sunbelt. States in the Midwest and the Northeast are taking drastic steps to stop the flow of capital and industry from their borders.

They are trying to catch North Carolina. They know we are ahead of them.

We are on the right course, and we must stay on it. We must redouble our efforts to meet their competition. We must maintain North Carolina's momentum. We must keep our competitive edge!

Our primary goal must be to prepare our people to work in a modern technology

economy. That means basic skills, job training and research. It means infusing our entire educational system with excellence and discipline.

I urge the following 10-step plan for our public schools which we can carry through even with our tight State budget.

(1) We must continue our superb kindergarten and primary reading program with a teacher and full-time aide in every classroom in grades K-3. We cannot afford cuts in this solid foundation of our system!

(2) We should retrain teachers who are presently teaching math and science "out-of-field" and prohibit this in future years. In grades 7-12 in school year 1980-81, 40 percent of our math teachers were not certified in math. The figures for science were 29 percent. We must change that.

The budget I present to you will provide for $1,000 retraining grants to pay the costs of high school teachers taking college and university courses in science and mathematics. It will fund a summer institute program to retrain 1,500 teachers in middle schools and junior high schools. Over the next four years, we can finish this job of retraining and have every teacher teaching "in-field." We can achieve this goal.

(3) We should recruit math and science teachers more aggressively by redirecting the Prospective Teacher Scholarship Loan Program to those who plan to teach in this critical field.

(4) We should provide funds as recommended in the budget for an additional six weeks of employment for one lead teacher of math or science in each of North Carolina's high schools. This teacher would work during the summer at improving science and math instruction for the entire school for the coming year.

(5) We should develop examples of "true excellence" in math and science by establishing model projects at elementary or secondary schools in each of the eight educational districts.

(6) We should begin to gradually increase the minimum standards required for passing on the competency test and consider putting some science questions in the competency and annual tests.

(7) The State Board of Education under Dick Spangler's fine leadership should approve quickly the proposals to increase the high school graduation requirements from 18 to 20 units, including at least two units each in math and science. We must set rigorous standards for high school graduation.

(8) We should increase our emphasis on "maximum competency" in schools by implementing the proposed North Carolina Scholars Program giving higher recognition to students who complete a more rigorous high school curriculum, including at least three courses in math, three in science, four in English, and two in foreign language.

(9) Our colleges and universities should increase the number of math and science courses required for admission.

(10) We must continue to build the North Carolina School of Science and Mathematics which is stimulating better math and science teaching in all of our public schools and in both years since its establishment has led the nation in the percentage of national merit scholarship semi-finalists.

I will also ask you to expand the special institutes in which teachers upgrade their skills

in teaching writing. We will add writing to our rigorous testing program. We must strengthen our students' ability to write and communicate.

We have significantly reduced the number of dropouts from our schools over the past few years. Now we must redouble our efforts and stress joint programs between our public schools and community colleges. The State of Charles Brantley Aycock and Terry Sanford should not rest until we help every single North Carolina youngster to graduate.

These will be the new building blocks on top of the strong education foundation that this Legislature and this State have already built for our future. We must teach our children the skills they will need to compete with their peers in South Carolina and Virginia and Japan and West Germany and the Soviet Union.

Because we are preparing students for the jobs of tomorrow, we must make business a full partner in educating them. We must make sure the skills they learn today connect to the skills business will need tomorrow.

Spending more tax money is not the only way to strengthen education. We need more businesses and individuals giving the schools a helping hand.

I applaud the establishment of the North Carolina Business Council on Science and Mathematics Education and the "adopt-a-school" program which has been so successful.

All of North Carolina led by its Governor and General Assembly, must make a new commitment to excellence in education. We ought to hold up good teachers and good principals and good schools as examples. We ought to recognize their accomplishments and issue a challenge for excellence.

This is why I have proclaimed 1983 as "The Year of the Public School" in North Carolina. The time has come to rally around the public schools, the time has come to get more personally involved in them, and the time has come to mobilize the forces for education across our State.

The key to economic growth is education — the public schools, the community colleges and the universities.

I will ask you to strengthen skill training in our State. The primary responsibility of our community college system must be to teach people the skills they need to get good jobs, and we must see that this responsibility is being met.

So I will ask you to provide new training equipment for the system and to increase its ability to train employees for new industries.

Very soon, I will sign an executive order spelling out a job-training policy for North Carolina, assigning specific responsibilities for each part of our overall system and mandating a close working partnership with private industry. We are already developing a new labor market information system, to identify the new jobs and where they will be in the years to come. I am tired of people having to move to North Carolina to fill certain jobs. I want us to commit ourselves to train our own people to fill every job in the "help wanted" ads of North Carolina's newspapers.

We know where the new jobs will be in the future — in rapidly advancing technological fields related to areas like microelectronics and biotechnology. That is where North Carolina must go!

In 1981, this Legislature wisely created the Microelectronics Center of North Carolina — drawing together university researchers and students in that field. That

action put North Carolina far ahead of most states in the competition for the jobs of the future.

The Microelectronics Center of North Carolina is our "magnet" as we move to attract jobs in electronics and microelectronics. Already our fourth largest industry, this is a field that is relatively recession-proof, that tends to recover very early in an economic upturn, and one in which the United States still has a high degree of world leadership.

This year, I will ask you to continue your support of this Center, so that we can operate the facilities under construction, buy the equipment needed, and build the communications network to tie together the universities that make up the Center.

To survive and to meet the economic and military challenge from abroad, our nation must learn to work smarter. That is how our great textile industry has survived — by investing in technology and automation and efficiency. Ten years ago, some people had written the textile industry off as dead. But it met the challenge, it remains North Carolina's most important industry. We should learn the lesson textiles has taught us. And we must continue to support this $15 billion per year industry.

There are other things we must do to keep North Carolina competitive.

We must finish critically important links in our highway system. You know how great those needs are, especially in certain parts of our State. We cannot afford to let our hard-earned tax dollars that we send to Washington go to build roads in other states. I will ask you to provide additional funds required to match federal construction aid. And I believe those additional funds should come primarily from an increase in the tax on alcoholic beverages.

Since 1981, under Secretary Bill Roberson, the Department of Transportation has cut out the fat, instituted tough new protections against bid-rigging and increased miles of road being resurfaced by ten-fold.

To attract new industry, we must maintain an adequate supply of electrical energy at a reasonable price.

The safe reduction, recycling and disposal of hazardous wastes is also critically important to economic growth, as well as to environment protection. The 1981 Legislature established a waste-management system that is among the best in the nation. We must maintain that system and strengthen it if that is needed.

We must maintain our strong environmental laws. I will urge you to provide the additional funds needed to keep in place the Coastal Area Management Act. And, although North Carolina has bound itself in the past to not exceed federal environmental regulations, we will closely watch the regulations to govern landfills now being developed by the EPA. If these standards are too weak, I assure you that I will propose legislation to this General Assembly to provide for the safety of our people.

We must make wise and full use of our productive resources — our forests and our fisheries. We must insure that prime farmland is preserved.

We must not squander any of the resources that we have dedicated to meeting the great needs of our people — from the new-born infant to the oldest adult.

Washington may be retreating from meeting those needs, but North Carolina will not retreat!

We will maintain our commitment to helping mothers and their babies and to preventing mental retardation in children.

We will maintain our commitment to day care, and we will give special attention to the problems of working women. I will sponsor a statewide conference this year on women and the economy.

We must find some additional funds and provide more support for community mental health programs.

And, working hand in hand with private businesses and individuals, we will continue to bring art, music, drama, dance and literature into the life of our communities. We will open the new Art Museum. We will keep our Symphony sound. And we will make North Carolina's observance of the 400th Anniversary our showcase to the nation.

That observance will be more than a tourist attraction. It will be a time to remind us of our beginnings, to renew our faith in America and in ourselves and to rededicate ourselves to the ideals of liberty, equality and opportunity.

It will be a time to examine whether we are worthy of the spirit and courage of the men and women who crossed an ocean to make a new beginning and, in time, to build a new world.

It will be a time to recall that America was not built on small dreams and short-sighted vision. It was not built on governments and tax money alone.

It was built by men and women who fought and struggled and loved and sometimes lost, men and women who had hope in the face of hopelessness, courage in the face of fear, and faith in God in the face of despair.

I believe we are worthy of those who came before us, and I believe we shall be worthy of those yet to come.

It is our turn now.

This nation has always lived in the future, believing that today will be better than yesterday and tomorrow, better still. Let us not allow our children and our grandchildren to lose that hope and optimism.

That is our challenge, that is our historic opportunity, and that is the greatest gift we can give all the generations of North Carolinians yet to come.

January 25, 1983

SPECIAL MESSAGE ON CRIME
by Governor James B. Hunt, Jr.

When I delivered my State-of-the-State Address to you last week, I spoke of a strategy to protect the people of North Carolina against the enemy of economic recession — unemployment, loss of income, bankruptcy and hardship.

Today, in the fourth Special Message on Crime that I have delivered to the General Assembly, I will speak to you about a strategy to protect our people against another enemy — an enemy that would invade their homes and businesses, an enemy that would take away what they have worked for and earned, an enemy that would threaten the lives of our familes and every single person in North Carolina. That enemy is crime.

North Carolina has declared war on crime. And, this year, we must step up our offensive.

No state in this nation has had a more impressive record in passing laws to reduce crime than we have.

Since 1977, this administration, the General Assembly, our criminal justice system and the law enforcement officers in this Hall today have built a powerful foundation for a safer North Carolina.

We have established a cabinet-level Department of Crime Control and Public Safety.

We have provided the best deterrent there is to crime — swift and sure justice.

We have passed a law requiring speedy trials. No longer can a criminal escape punishment by delaying judgment.

We have passed a law that makes sentences more certain. No longer can a criminal shop around for a slap on the wrist.

We have passed laws that require mandatory jail terms for armed robbers, drug smugglers and hardened criminals.

We have made drug paraphernalia illegal, and, just as we promised to do two years ago, we have put the "head shops" out of business in North Carolina.

We have put prisoners to work on the roads.

We have reinstated the death penalty for first-degree murder.

We are paying the medical expenses of rape victims, and we are committed to protecting the victims of family violence.

We deal with the white-collar criminal just like we deal with any criminal, and we have passed the toughest law in the country against bid-rigging.

And the people of North Carolina have organized Community Watch and Crime-Stoppers programs to prevent crime. They have guided young people away from a life of crime. They have made their communities, their businesses and their homes safer against crime.

We are turning the tide against the forces of crime. North Carolina is the 10th most populous state in the nation, but our crime rate ranks thirty-ninth among the fifty states.

But we cannot rest on the record. We cannot rest until every single person in North Carolina is safe from the young hood on drugs, the rapist who lurks in the shadows and the violent criminal who is out on bail.

And, this year, we must recognize that the most common murderer in North Carolina is the drunk driver. In 1981, drunk drivers claimed more lives than all the murders reported in our State.

It is time that we cracked down on what has almost become a form of socially accepted murder. It is time that we got the drunk driver off the road in North Carolina.

Last night, I went before the people of North Carolina on statewide television to explain the Safe Roads Act and to ask for their support. The demands for action are coming from the people — especially those whose lives have been shattered by a horrifying phone call telling them that a loved one will never come home again.

The Safe Roads Act will save lives. It was carefully developed by the Governor's Task Force on Drunken Drivers, which was chaired by Jack Stevens of Asheville, one of the

most respected former members of this Body and an outstanding attorney. Its members included legislators, leaders in business, civic life, the law, law enforcement and the clergy.

They made an exhaustive study of our present laws. They went out and heard from the people in public hearings across the State.

They have developed a plan that is tough, comprehensive and effective.

If you enact that plan into law, you will be telling the drunk driver that, in North Carolina, the free ride across the center line is over.

The Safe Roads Act makes a series of important changes in our laws:

— It makes it easier to convict a drunk driver, and it eliminates plea bargaining.

— It guarantees a jail term for serious offenders.

— It gives judges very strict guidelines for sentencing in all cases.

— It requires jail or community service or loss of a driver's license — plus a fine — in every case.

— It continues the one-year revocation by the State Department of Motor Vehicles.

— It makes it harder for a drunk driver to get his license back.

— It requires the State to publish a report card on how every county, every judge and every district attorney handles drunk-driving cases.

— It gives the magistrate the power to take away a drunk driver's license for ten days — right on the spot.

— It gives the magistrate the power to detain a drunk driver for up to twenty-four hours, to keep him from hurting himself and others.

— It gives the judge the power to impound a repeat offender's car.

— It requires the problem drinker to get professional help.

I know that some parts of this bill are controversial. But they are constitutional, they are necessary, they are right and they will save lives.

It is already illegal for a bar to serve a drink to a minor or a person who is already drunk. Making bars subject to a civil suit will hit them where it hurts most — in the pocketbook. These establishments should be more careful about who they serve, and they are in a position to save lives.

I support raising the minimum age for drinking beer and wine from eighteen to nineteen.

I would not oppose raising it to twenty-one. But I think our primary goal should be getting it out of the high schools. And nineteen is adequate, given so many other tough provisions in the law against teenagers driving and drinking.

A sixteen- or seventeen-year-old caught with any amount of alcohol or drugs in their blood would lose their license until they were eighteen. And they would get a fine of up to $100 and up to sixty days in jail.

But we have to change more than laws. We have to change minds and hearts and

attitudes. This Legislature can make a dramatic start this year, and our people will be grateful.

Our philosophy in North Carolina is to make the punishment fit the crime and protect our people.

This year, in addition to providing tougher punishment for the drunk driver, I hope you will provide tougher punishment for other criminals — like those who go free on bail and commit another crime, and those young people who are just as tough and as mean as criminals twice their age.

Too many dangerous criminals are going free on bail, and it is time to put a stop to it.

Today, a judge can deny bail only when an offender is charged with a capital crime.

But what about the criminal who is arrested, set free on bail and goes out and commits another crime?

And what about the assailant who threatens to kill a woman he viciously raped if she goes to the police and testifies against him?

Those people don't have any business being out on the street. I urge you to give the judge the power to deny them bail and to keep them locked up to protect the people of North Carolina!

And the youthful offender. Some of them are just kids who made a mistake and can still be saved. The secret to keeping them out of court and out of prison is to set them straight before it is too late.

That is why we created the Executive Cabinet on Juveniles, and that is why this Legislature established community-based alternative programs throughout North Carolina. We are committed to helping young people who can be helped and reaching those who can be reached.

We will continue reaching out to them with a helping hand.

But some young people are criminals who can be reached only with a strict hand.

Since 1976, total arrests of juveniles have declined by twenty-eight percent. But, arrests of juveniles for felonies have *increased* by the same percentage.

Not long ago, in Fayetteville, a fifteen-year-old boy was charged with abducting a woman at gunpoint in a convenience store, raping her and almost killing her.

A few years ago, here in Wake County, four teenagers — one of them thirteen years old and another, fourteen — beat an elderly woman to death to get her Social Security check.

They aren't just kids. They're criminals. And they ought to be treated that way.

But our present law doesn't let us treat them that way. The only choice a judge has today is to send those kids to training school for an indeterminate sentence, which averages about ten months, or to put them in prison with adults.

Often, neither choice is a good one. Our judges need to be able to send these young criminals to training school for a set period of time — not an indeterminate sentence that means they can be turned loose right after they arrive.

If a young person commits a serious felony, it ought to stay on his record forever. And the judge should be able to see the juvenile record of an adult offender he is getting ready to sentence. Our present laws prohibit this, and they should be changed.

We ought to let judges order parents to participate in treatment programs for young offenders. And schools should be required to have strong, tough discipline programs. Discipline must begin in the home and in the school.

When we sentence the criminal, we shouldn't forget the victim.

North Carolina does a better job than any other state when it comes to making the criminal pay restitution to his victim. But if we are really going to get serious about putting the victim first, we have got to make the victim first to be paid — before the court costs and before anything else. That is the only way we have of showing the victim that we care. In the last Legislature, you moved the victim up to fourth in line to be paid. This year I urge you to put them at the head of the line!

And, just as soon as we can afford it, I believe North Carolina should compensate victims of armed robbery for their medical expenses.

A recent decision by the North Carolina Supreme Court demonstrates that we must strengthen our law against armed robbery. Any use of a gun in an armed robbery should put that criminal in jail for a minimum of seven years.

Despite hundreds of pleas, I have not commuted *any* armed robbery sentences as Governor, except for two cases recommended by the SBI.

The purpose of punishment is deterrence, preventing crime. Sometimes the best form of deterrence is a tough prison sentence. Sometimes it's ordering an offender to do community service work to repay his victim and society.

Sometimes, alternative forms of punishment are best for nonviolent offenders. Our judges are making these alternatives part of probation today. We have 19 special alternative-punishment programs in place today in North Carolina, and we will have 25 by July 1.

We are giving careful study to the report of the Citizens Commission on Alternatives to Incarceration, which was chaired by Judge Willis Whichard, a respected former member of the General Assembly.

We ought to use every innovative idea that will keep people out of prison in the first place and help them become taxpayers instead of tax burdens.

We should consider using training schools to house several hundred younger prisoners, and we must make better use of existing state facilities, like Dix Hospital, to meet special needs in our prisons.

Since 1977, we have built five thousand new prison beds in North Carolina. We do not want to build any more prisons than we *have* to. But we are serious about protecting our people, and the criminals need to know that we will build all the prisons we *need* to protect the people of North Carolina against them.

And we ought to protect these law enforcement officers against criminals, too. We need to plug a loophole in our law that, in some cases, does not make it a crime to use force in resisting arrest. These officers put their lives on the line for the rest of us every day, and they deserve to have the law of the State of North Carolina standing behind them.

To do all of this, to protect our people and our law enforcement officers, to see that the punishment fits the crime and the criminal, we must see that our courts operate efficiently and effectively.

We need to take minor traffic cases off the crowded court calendars, so they can be devoted to serious criminal cases, like drunk driving.

We need to eliminate unwarranted, costly and time-consuming appeals. And, when the State and the defendant both agree to trial before a judge, we should not require jury trials.

All of this has one goal — protecting the people of North Carolina against crime.

Every single citizen in this State has a right to be safe.

No older person should have to be afraid to walk outside in the evening. No woman should have to be afraid to answer a knock at the door. No family should have to be afraid to go to the store.

You and I have a responsibility to those people. And you and I have a historic opportunity.

History will remember these years as a time when North Carolina not only taught every child to read and helped adults find good jobs. We will also record that this was the time when we began to turn back a wave of crime that threatened to engulf our entire nation and our entire society.

This is a battle we have fought in the courtroom, in the jailhouses, in the streets, in the schools, in our homes — in these very Halls.

It is a battle we have fought for the people of North Carolina. It is a battle against fear and for freedom. It is a battle we can win.

Let us make it our legacy — a safer North Carolina for our children and all the generations yet to come.

Thank you.

February 15, 1983

RECOGNITION OF DISTINGUISHED VISITOR IN THE NORTH CAROLINA SENATE

Elizabeth Stevenson Ives has championed cultural activities and preservation projects for decades in North Carolina, and has been a generous and thoughtful steward with her time, energy, talent, and financial resources.

She returned to the home state of her Stevenson ancestors, who lived in Rowan and Iredell Counties before they journeyed to Kentucky and then settled in Illinois. She and her husband, Ernest L. Ives, came to the Sandhills in the 1920s.

Elizabeth Stevenson Ives has brought attention to North Carolina through her involvement in national and world affairs as the sister of a great American, Adlai E. Stevenson, former Governor of Illinois and Ambassador to the United Nations.

She has been involved in a variety of statewide cultural activities and preservation projects and was a founder of the Moore County Historical Association. She was president of the Historic Preservation Society of North Carolina, providing leadership in saving our most important landmarks.

Among the many places rescued by Elizabeth Stevenson Ives were the home of

Governor Benjamin Williams, known as the Alston House (the "House in the Horseshoe"); and historic Hope Plantation, near Windsor, North Carolina, the home of Governor David Stone. She was an early champion and supporter of the Weymouth Center, a regional, educational and cultural center for the arts and humanities located on the former estate of novelist James Boyd and his wife, Katherine, which is located in the rolling Sandhills of Southern Pines, North Carolina.

Because of these and numerous other contributions, we recognize with gratitude the dedicated work of our distinguished guest today, Elizabeth Stevenson Ives.

February 24, 1983

REMARKS BY SENATOR LAWING (See page 98 Senate Journal)

It is my pleasure this afternoon to lead all of you in a birthday greetng to our esteemed Lieutenant Governor, James Collins Green. As many of you know, he has been a member or a presiding officer of this General Assembly for the past twenty-two years. This is the twelfth Session, therefore, that the people of North Carolina have benefited from his service to our great State.

I doubt when Frances Sue Oliver Green gave birth to her blue-eyed baby boy sixty-two years ago, she had any idea how far he would go, and the many things that he would accomplish. I am only sorry that she isn't alive today so that she could see and be proud of what he has done with his life.

But you know, I doubt there is another sixty-two year-old man alive today who has done more, nor enjoyed it better than Jimmy. He'd be the first to tell you that though there have been days he wouldn't have given a plug nickel for, over all, he wouldn't have traded a million dollars for the enjoyment and the sense of accomplishment that being in the General Assembly has given him.

Ladies and gentlemen of the Senate, will you join me in wishing Jimmy Green a very happy birthday, and in hoping that his second sixty-two years will be as challenging and as rewarding as his first sixty-two?

March 9, 1983

The Pioneer Girl Scout Council, comprising Gaston, Lincoln, Cleveland, and Rutherford Counties, is participating in a program, "The Gift of Water" as its contribution to the United Nations Water Decade.

As a part of this environmental program, two leaders from Cleveland County composed the music and lyrics to this song, which is also being used as part of the National Girl Scout emphasis.

ANTHEM

The Gift of Water

1. Water is a special gift from God to you and me
   From a raindrop to the rivers wide
   From sea to shining sea
   But the giving doesn't stop with God

He left us on our own
To use it wisely, keep it clean, and pass the gift along

CHORUS

2. Water running free and clear all across the land
Gastonia to Savannah
From England to Japan
It's a challenge for the future
And it starts in your own home
You can make a difference
And pass the gift along

CHORUS

3. Bright new seas to sail upon
New Worlds to explore
We can make our neighborhoods
Better than before
Dreams become reality
Join us in our song
You can make it happen
And pass the gift along

CHORUS

CHORUS

Let's give the gift of water to the children of our children
Let's join our hands with Girl Scouts everywhere
Let's love enough and give enough to show the world we care
And give the gift of water to people everywhere

Adopted April 18, 1983

H. J. R. 891, A JOINT RESOLUTION HONORING THE WINNING TRADITION OF COLLEGE BASKETBALL IN THE STATE OF NORTH CAROLINA, CULMINATING IN BACK-TO-BACK N.C.A.A. BASKETBALL CHAMPIONSHIPS BY THE UNIVERSITY OF NORTH CAROLINA TARHEELS AND THE NORTH CAROLINA STATE UNIVERSITY WOLFPACK.

WHEREAS, the North Carolina State University Wolfpack won the N.C.A.A. Men's Basketball Championship in 1983, and The University of North Carolina Tarheels won the N.C.A.A. Men's Basketball Championship in 1982; bringing back-to-back national championships to the old North State; and

WHEREAS, these extraordinary accomplishments have brought great honor and distinction to our State throughout the nation;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The North Carolina General Assembly expresses the extreme appreciation and admiration of the people of North Carolina to the North Carolina State University Men's Varsity Basketball Team for winning the 1983 National Collegiate Athletic Association Division I Men's Basketball Championship and specially recognizes the achievements

of Head Coach Jim Valvano; Assistant Coaches Tom Abatemarco, Ray Martin, and Ed McLean; team members Thurl Bailey, Alvin Battle, Lorenzo Charles, Walt Densmore, Tommy DiNardo, Terry Gannon, Quinton Leonard, Sidney Lowe, George McClain, Cozell McQueen, Ernie Myers, Walter Lee Proctor, Harold Thompson, Mike Warren, and Dereck Whittenburg; and managers Gary Bryant and Steve Whitt.

Sec. 2. The North Carolina General Assembly expresses the extreme appreciation and admiration of the people of North Carolina to The University of North Carolina at Chapel Hill Men's Varsity Basketball Team for winning the 1982 National Collegiate Athletic Association Division I Men's Basketball Championship and specially recognizes the achievements of Head Coach Dean Smith; Assistant Coaches Bill Guthridge, Eddie Fogler, and Roy Williams; team members Jeb Barlow, Jimmy Black, Jim Braddock, John Brownlee, Chris Brust, Matt Doherty, Cecil Exum, Michael Jordan, Timo Makkonen, Warren Martin, Sam Perkins, Buzz Peterson, Lynwood Robinson, Dean Shaffer, and James Worthy, and managers David Daly, Chuck Duckett, David Hart and Ralph Meekins.

Sec. 3. The Secretary of State shall send certified copies of this resolution to all of the individuals and institutions honored in this resolution.

Sec. 4. This resolution is effective upon ratification.

May 9, 1983

COMMANDING GENERAL
Marine Corps Base
Camp Lejeune, North Carolina 28542
4 May 1983

The Honorable James C. Green
Lieutenant Governor of North Carolina
Raleigh, North Carolina 27611

Dear Mr. Green,

Senator A. D. Guy has informed me that the members of the North Carolina Senate would be receptive to an invitation to visit Marine Corps Base, Camp Lejeune, for a military orientation tour. I therefore am very pleased to invite you and the North Carolina Senate to visit Camp Lejeune on Tuesday, 10 May 1983.

If this date is acceptable, a Marine Corps military aircraft will depart from Raleigh-Durham Airport at 8 a.m. on 10 May to take you and the Senators to Marine Corps Air Station, Cherry Point, where you will be briefed regarding the missions of the Air Station and the Marine Corps Air Bases East. A brief tour of the Naval Air Rework Facility at Cherry Point will follow. A short helicopter ride will bring you to camp Lejeune where the itinerary will include a tour of the new Naval Regional Medical Center, your required Session of the Senate, the Command brief, luncheon at the Commissioned Officers' Mess (Open), troop demonstrations and a static display of military equipment. Departure time from Camp Lejeune will be 3:30 p.m. returning to Raleigh-Durham Airport via Marine Corps Air Station, Cherry Point, by approximately 5:00 p.m.

I sincerely hope that you and the members of the Senate will be able to visit with us on 10 May.

Warm regards,
S/ D. J. FULHAM
Major General, U. S. Marine Corps

May 11, 1983

Congress of the United States
House of Representatives
Washington, D.C. 20515

Mr. LeRoy Clark
Clerk of the North Carolina Senate
North Carolina General Assembly
Raleigh, NC 27611

May 11, 1983

Dear LeRoy:

Please insert the following statement in the North Carolina Senate Record, May 11, 1983, on the occasion honoring my friend, Claude Farrell:

> Claude Farrell was a dedicated educator who loved North Carolina and her people very deeply. His commitment to quality education and to sound, responsible government are remembered by all of us. He is greatly missed, but the benefits of his good life among us remains.
>
> I extend to Edith, other members of his family and to his many friends my deep appreciation for all Claude accomplished while serving the people of North Carolina. May his memory inspire us to greater heights of achievement in these endeavors he valued so highly.

Thank you.

Sincerely,
S/ IKE ANDREWS
Member of Congress

S. B. 275, A BILL TO ESTABLISH A STATEWIDE LOTTERY IN NORTH CAROLINA AFTER A BINDING REFERENDUM

After the motion to adjourn offered by Senator Winner prevailed and prior to the declaration by the Chair that the Senate stands in adjournment, Senator Lawing rises to a point of parliamentary inquiry, as follows:

Senator Lawing: Out of an abundance of caution, so that I won't be misconstrued of doubting the Chair, but, Mr. President — when the vote was flashed on the screen, if I remember correctly you stated that you were going to ascertain whether or not all the Senators that were present voted. Before you announced the vote, or whether the motion for the adoption of the amendment passed or failed, Senator Winner made a motion that we adjourn and it carried. Would that not take precedence over that so that that question was not — are you saying the question was resolved or was not resolved?

Governor Green: I'm saying that though I didn't give you the readout on my machine that the vote was 21 to 20 it was there for everybody to see. All I was trying to do was determine whether or not each Senator in the Chamber in his or her seat was recorded and accounted for. So I believe that that vote stands — you all saw it, everybody saw it, it was there, the Amendment was adopted and I think Senator Winner made his motion to adjourn simply because he thought we'd get more Senators in here one day and reverse that action. That's my opinion — I'm not sure I am reading him right. So the Amendment is adopted.

SENATE STAFF

OFFICE OF THE PRESIDENT

Lieutenant Governor	James C. Green
Administrative Assistants	Arlene Pulley William H. Franklin, Jr. George C. Jones
Press Secretary	Margaret Webb
Secretaries	Sarah B. Hanner Judy Hodges Mary Ann Dusenbury

OFFICE OF THE PRESIDENT PRO TEMPORE

President Pro Tempore	W. Craig Lawing
Administrative Assistant	Ruth Holmes

OFFICE OF THE PRINCIPAL CLERK

Principal Clerk	Sylvia Morris Fink
Administrative Assistant	Barbara Richardson
Calendar Clerks	Ida Pullen Susan Thompson
Assistant Calendar Clerks	Lisa Pittman Patricia Pleasants Mary Puryear Joyce Ray Cathy Yancey
Journal Clerk	Sandra Brown
Assistant Journal Clerks	Linda Duckworth Martha Edgerton Ina MacMillan Dorothy Winstead

READING CLERK LeRoy Clark, Jr.

OFFICE OF THE SERGEANT-AT-ARMS

Sergeant-at-Arms	Gerda B. Pleasants	
Deputy Sergeant-at-Arms	Royster Baker	
Assistants	Jan Anderson	Charles Ives
	Henry Copley	Michael Pulley
	Johnny E. Burke	Robert Ramey
	Rita DeMent	Jessie Rice
	Keith Edwards	Kevin Richardson
	Bruce Hargrove	Abbe Townsend
	Kate Hearn	Chip Winstead
	William Horton	

SECRETARIES

Supervisor — Joan Leatherman

Name	*Senator*	*Clerk of Committee*
Linda Allen	Daniels	Small Business
Janie Archer	Davis	
Jane Bagley	H. Barnes	Judiciary III
Sybil Barnes	Tison	Economy
Jerry Batchelor	Staton	State Government
Pattie Battle Carolyn Gooden	Swain	Approp. on Justice & Public Safety
Judy Britt	Jordan	Base Budget
Bettie Browne	Winner	
Bernice Bullard		(Supervisor of Clerk's Office)
Hazel Cooper	R.P. Thomas	Ways and Means
Mabel Dorsey	Hunt	
Gayle Early	J. Edwards	Banking
Bonnie Elek Annie Ruth Wall	Ward	Approp. on Education
Sue J. Floyd	Rauch	Finance
Susan Friday Sarah Friday	Wright	
Christine Gallagher Lillian Newton	Rand	Law Enforcement & Criminal Justice
Charlotte Graham Melody Hiatt	Jenkins	Insurance
Joan Hardison	Warren	Transportation
Lucille Harper	K. Harris	
Jane Holliday	Harrington	Ways and Means
Ruth Holmes	Lawing	Rules & Operation of the Senate
Carolyn Honeycutt	Walker	Approp. on Human Resources
Pat House	Alford	Approp. on Natural and Economic Resources
Ellen Johns	Hardison	Appropriations
Brenda Johnson	R. Barnes	Vet. & Military Affairs
Dora Johnson	Tally	Higher Education
Rebecca Johnson	Johnson	Housing
Betty Lee	Childers	Mfg., Labor & Commerce
Sarah Long	Redman	

SECRETARIES (continued)

Name	*Senator*	*Clerk of Committee*
Porchia Mays	Marion	Local Gov. & Regional Affairs
Lynda Milam	Parnell	Approp. on General Government
Pat Misner	J. Thomas	NER and Wildlife
Sarah Murphy	White	Agriculture
Elaine Myers	Plyler	Pensions & Retirement
Loraine Newsome	Royall	Coordinator — All Committees
Phyllis Porter	Kincaid	
Janet Pruitt	O. Harris	Human Resources
Nancy Pulley	Guy	Public Utilities & Energy
Janet Puryear	Soles	Judiciary II
Joan Raley	Hancock	State Government
Sue Robertson	Duncan	Finance
Hellon Senter		(Supervisor of Clerk's Office)
Debra Seward	Martin	
Ellen Stainback	E. Edwards	Base Budget
Patricia Teston Clarke Fountain	Martin	Constitutional Amendments
Gwyndolyn Towles Deborah Worley	Allsbrook	Judiciary I
Lois Tyree	Ballenger	
Joan Weston	Allred	
Nancy Wilson	Gray	Senior Citizens Affairs
Rose Wood	Speed	Education
Sandra Wood	Hipps	Local Gov. & Regional Affairs
Betty Yelton	Woodard	Election Laws

INDEX

RATIFIED BILLS — SESSION LAWS

Chapter	Bill No.	Page
1	H 3	29
2	H 4	29
3	H 23	49
4	H 112	52
5	S 6	69
6	S 11	69
7	H 6	72
8	H 26	72
9	H 64	74
10	H 93	74
11	H 145	74
12	S 7	73
13	S 8	73
14	S 10	73
15	S 9	82
16	H 29	82
17	H 35	82
18	H 65	82
19	H 81	82
20	H 84	82
21	H 103	82
22	S 48	86
23	S 33	89
24	S 35	89
25	S 45	89
26	H 5	94
27	H 7	94
28	H 17	94
29	H 19	94
30	S 12	94
31	H 20	98
32	H 83	98
33	S 32	98
34	S 62	98
35	S 72	98
36	S 27	101
37	H 135	101
38	H 8	104
39	H 36	104
40	H 43	106
41	H 85	114
42	H 95	114
43	H 111	114
44	H 120	114
45	H 126	114
46	H 102	117
47	H 163	117
48	H 25	117
49	H 24	117
50	H 128	137
51	S 68	137
52	S 73	137
53	S 54	142
54	S 29	153
55	S 148	153
56	H 78	153
57	H 244	153
58	H 245	153
59	H 254	153
60	H 283	153
61	H 86	156
62	H 101	157
63	H 165	157
64	H 249	157
65	H 297	157
66	H 302	157
67	H 136	160
68	S 57	160
69	H 212	160
70	H 192	163
71	H 309	163
72	H 211	167
73	H 31	171
74	H 264	172
75	H 217	171
76	S 47	171
77	H 119	177
78	S 95	176
79	S 137	177
80	S 138	177
81	H 248	181
82	H 258	181
83	S 42	180
84	S 56	181
85	S 144	181
86	H 67	183
87	H 121	183
88	S 18	183
89	S 31	191
90	H 160	196
91	H 181	196
92	H 308	197
93	H 316	197
94	H 337	197
95	H 344	197
96	H 349	197

Chapter	Bill No.	Page
97	H 350	197
98	H 359	197
99	S 132	202
100	S 166	202
101	H 99	202
102	H 168	202
103	H 257	202
104	H 311	202
105	H 317	202
106	H 190	206
107	H 213	206
108	H 256	206
109	H 296	206
110	H 109	210
111	H 325	218
112	H 125	222
113	H 247	222
114	H 357	222
115	H 365	222
116	H 369	223
117	H 397	223
118	H 424	223
119	H 425	223
120	H 429	223
121	H 437	223
122	H 441	223
123	H 454	223
124	H 469	223
125	H 479	223
126	H 336	222
127	S 189	222
128	H 243	229
129	S 233	229
130	S 150	229
131	H 167	233
132	H 200	233
133	H 407	233
134	H 507	233
135	S 120	233
136	S 131	233
137	H 68	233
138	H 288	233
139	S 84	243
140	S 202	243
141	H 57	251
142	H 59	251
143	S 13	251
144	S 119	251
145	H 399	251
146	S 153	258
147	H 195	258
148	H 274	259
149	H 275	259
150	H 304	259
151	H 379	259
152	H 418	259
153	H 423	259
154	H 405	259
155	H 14	263
156	H 187	263
157	H 467	263
158	S 118	263
159	S 170	263
160	S 172	263
161	S 192	263
162	H 166	267
163	S 121	267
164	H 82	271
165	H 152	271
166	H 314	272
167	H 390	272
168	S 182	271
169	S 204	279
170	H 66	279
171	H 221	279
172	H 229	279
173	H 231	279
174	H 734	279
175	H 146	293
176	H 439	293
177	H 442	293
178	H 483	293
179	H 501	293
180	H 532	293
181	S 94	293
182	S 183	293
183	S 186	293
184	S 214	293
185	H 151	293
186	H 348	293
187	H 378	293
188	H 428	293
189	H 462	293
190	H 482	293
191	H 629	293
192	H 55	301
193	S 152	308
194	H 362	308
195	H 432	308
196	H 440	308

Chapter	Bill No.		Page	Chapter	Bill No.		Page
197	H	512	308	247	S	127	344
198	H	529	308	248	S	220	344
199	H	332	316	249	H	225	351
200	H	375	316	250	H	466	351
201	H	475	316	251	S	101	351
202	H	505	316	252	H	196	356
203	H	514	316	253	H	285	356
204	H	528	316	254	H	342	356
205	H	561	316	255	H	873	356
206	H	573	316	256	H	597	356
207	H	599	316	257	S	151	356
208	H	613	316	258	S	271	356
209	H	627	316	259	S	224	375
210	S	110	316	260	H	585	375
211	H	518	320	261	H	593	375
212	H	525	320	262	H	608	375
213	H	572	321	263	H	611	375
214	S	263	321	264	H	669	375
215	S	55	321	265	H	765	375
216	S	126	321	266	H	788	375
217	S	169	321	267	S	37	379
218	S	173	321	268	S	103	379
219	H	400	320	269	S	190	379
220	H	18	324	270	S	201	379
221	S	245	324	271	S	231	379
222	S	246	324	272	H	570	380
223	H	210	332	273	H	630	380
224	H	449	332	274	H	823	380
225	H	486	332	275	H	331	380
226	H	506	339	276	H	510	380
227	H	811	339	277	H	144	379
228	H	495	345	278	H	598	380
229	H	499	345	279	H	674	380
230	H	500	345	280	H	676	380
231	H	415	345	281	H	689	380
232	H	531	345	282	S	253	379
233	H	553	345	283	S	350	384
234	H	562	345	284	S	254	384
235	H	566	345	285	S	256	384
236	H	576	345	286	S	310	384
237	H	600	346	287	S	322	384
238	H	601	346	288	H	209	384
239	H	606	346	289	H	472	384
240	H	635	346	290	S	221	387
241	H	647	346	291	S	362	387
242	H	662	346	292	H	653	387
243	H	707	346	293	H	680	387
244	H	739	346	294	H	713	387
245	H	197	345	295	H	1012	387
246	H	427	345	296	S	269	387

Chapter	Bill No.		Page
297	H	143	387
298	H	458	387
299	S	348	397
300	H	617	397
301	H	1048	398
302	S	273	403
303	H	52	403
304	H	485	403
305	H	504	403
306	H	643	403
307	H	223	409
308	H	852	409
309	H	414	409
310	S	447	409
311	H	468	409
312	S	58	409
313	S	240	409
314	S	299	409
315	S	300	409
316	S	301	409
317	S	306	409
318	H	239	417
319	H	764	417
320	S	67	417
321	S	252	417
322	S	410	417
323	H	444	424
324	H	484	425
325	H	815	425
326	H	477	424
327	S	194	424
328	S	117	434
329	H	157	445
330	H	253	445
331	H	386	445
332	H	448	445
333	H	649	445
334	H	784	446
335	S	97	445
336	S	168	445
337	S	352	445
338	S	365	445
339	S	369	445
340	S	374	445
341	S	431	445
342	S	497	445
343	H	219	449
344	H	530	449
345	H	569	449
346	H	574	449
347	H	590	449
348	H	591	449
349	H	616	449
350	H	618	449
351	H	623	450
352	H	625	450
353	H	636	450
354	H	637	450
355	H	638	450
356	H	670	450
357	H	754	450
358	H	798	450
359	H	801	450
360	H	804	450
361	H	816	450
362	H	822	450
363	H	828	450
364	H	840	450
365	H	854	451
366	H	862	451
367	H	863	451
368	H	866	451
369	H	870	451
370	H	878	451
371	H	880	451
372	H	885	451
373	H	887	451
374	H	490	449
375	H	682	450
376	H	719	450
377	H	851	450
378	H	956	451
379	H	919	451
380	S	75	455
381	H	789	456
382	S	405	463
383	H	118	463
384	H	519	463
385	H	883	463
386	S	50	468
387	H	199	468
388	H	201	468
389	H	236	468
390	H	261	468
391	H	293	468
392	H	295	468
393	H	757	468
394	H	796	469
395	H	1008	469
396	H	1014	469

Chapter	Bill No.		Page
397	S	469	468
398	H	298	476
399	H	226	475
400	H	228	476
401	H	270	476
402	H	307	476
403	H	363	476
404	H	540	476
405	S	286	475
406	S	304	475
407	S	185	485
408	H	329	485
409	H	1036	485
410	H	235	493
411	H	281	493
412	H	808	493
413	H	946	493
414	S	337	493
415	S	345	541
416	H	61	541
417	H	752	541
418	H	858	541
419	H	969	541
420	H	1061	541
421	S	40	541
422	H	579	548
423	H	607	548
424	H	825	548
425	H	1001	548
426	H	565	548
427	S	49	548
428	S	239	548
429	S	242	548
430	S	261	548
431	S	282	548
432	S	290	548
433	S	375	548
434	S	466	548
435	S	1	548
436	H	198	553
437	H	580	553
438	H	671	554
439	H	742	554
440	H	848	554
441	H	865	554
442	H	979	554
443	S	177	553
444	S	349	553
445	S	353	553
446	S	420	553
447	S	364	553
448	S	432	553
449	S	39	553
450	S	268	553
451	S	321	553
452	S	474	553
453	H	1034	554
454	H	651	553
455	H	817	559
456	H	850	559
457	H	893	559
458	S	386	559
459	S	285	559
460	H	700	568
461	H	702	568
462	S	140	567
463	S	74	567
464	S	160	567
465	S	235	567
466	S	248	567
467	S	277	567
468	S	293	567
469	S	294	568
470	S	403	568
471	S	434	568
472	S	443	568
473	H	663	579
474	H	874	579
475	H	884	579
476	H	1126	579
477	S	366	579
478	S	413	579
479	S	421	579
480	S	440	579
481	S	441	579
482	S	494	579
483	H	116	586
484	H	194	586
485	H	222	587
486	H	224	587
487	H	624	587
488	H	631	587
489	H	787	587
490	H	847	587
491	H	920	587
492	H	994	587
493	H	997	587
494	H	1086	587
495	S	83	586
496	H	72	594

Chapter	Bill No.	Page
497	H 76	594
498	H 97	594
499	H 156	594
500	H 237	594
501	H 330	594
502	H 443	594
503	H 497	595
504	H 586	595
505	H 587	595
506	H 729	595
507	H 943	595
508	H 989	595
509	H 965	595
510	H 999	595
511	H 1049	595
512	H 1066	595
513	H 1077	595
514	S 385	594
515	S 91	594
516	S 289	594
517	H 949	595
518	S 266	594
519	S 418	594
520	H 1092	609
521	S 259	609
522	S 279	609
523	S 422	609
524	S 565	609
525	H 345	619
526	H 493	619
527	H 186	619
528	H 711	619
529	H 723	619
530	H 791	619
531	H 838	620
532	H 913	620
533	S 139	619
534	S 230	619
535	H 588	626
536	H 774	627
537	H 694	627
538	H 605	627
539	H 886	627
540	H 916	627
541	H 978	627
542	H 1000	627
543	H 1037	627
544	H 1062	627
545	H 129	626
546	H 554	626
547	H 681	627
548	H 690	627
549	S 507	626
550	H 347	634
551	H 366	634
552	H 603	634
553	H 1070	634
554	S 411	633
555	H 1140	634
556	H 456	634
557	H 832	634
558	S 513	634
559	S 280	633
560	S 404	633
561	H 455	639
562	H 471	639
563	H 744	639
564	H 947	639
565	H 1202	639
566	H 1288	639
567	S 90	639
568	S 402	639
569	S 408	639
570	S 357	645
571	H 384	645
572	H 513	645
573	H 592	645
574	H 942	645
575	H 892	645
576	H 1026	645
577	H 193	655
578	H 551	655
579	H 648	655
580	H 731	655
581	H 759	655
582	H 1042	655
583	H 1089	655
584	H 1104	655
585	H 716	655
586	H 1214	655
587	H 1228	664
588	S 109	663
589	S 181	663
590	S 392	663
591	S 566	663
592	H 122	664
593	H 137	664
594	H 147	664
595	H 291	664
596	H 1044	664

Chapter	Bill No.		Page
597	H	292	664
598	H	1093	664
599	H	1108	664
600	H	1132	664
601	S	356	671
602	S	372	671
603	S	427	671
604	S	453	671
605	H	79	672
606	H	527	672
607	H	758	672
608	H	890	672
609	H	951	672
610	H	970	672
611	H	995	672
612	H	1075	672
613	H	1144	672
614	H	1147	672
615	H	1198	672
616	H	1231	672
617	H	1254	672
618	S	550	672
619	S	511	671
620	S	525	671
621	S	579	672
622	S	307	679
623	H	38	679
624	H	658	679
625	H	737	679
626	H	434	679
627	H	1114	679
628	H	1197	679
629	S	298	679
630	S	547	679
631	H	37	687
632	H	305	687
633	H	698	687
634	H	773	687
635	H	1192	687
636	S	107	697
637	H	115	697
638	H	124	697
639	H	356	698
640	H	413	698
641	H	856	698
642	H	1222	698
643	H	502	705
644	H	906	705
645	H	911	705
646	H	918	705
647	H	1206	706
648	H	1227	706
649	H	1241	706
650	H	1139	705
651	H	1199	706
652	S	308	705
653	S	318	705
654	S	599	705
655	S	649	705
656	S	603	713
657	H	800	713
658	H	395	713
659	H	620	713
660	H	1249	714
661	H	924	713
662	H	926	714
663	H	955	714
664	H	1009	714
665	H	1016	714
666	H	1160	714
667	H	1273	714
668	S	479	713
669	H	58	713
670	H	343	713
671	H	503	713
672	H	937	714
673	S	238	713
674	S	251	713
675	S	607	713
676	S	188	720
677	S	89	720
678	S	323	720
679	H	436	720
680	S	602	720
681	H	544	720
682	H	833	720
683	H	849	720
684	S	636	720
685	H	28	752
686	H	545	752
687	H	644	752
688	H	654	752
689	H	925	752
690	H	1006	752
691	H	1076	752
692	H	1116	752
693	H	1156	752
694	H	1173	752
695	H	1215	752
696	H	1226	752

Chapter	Bill No.	Page
697	H 1237	752
698	H 1239	752
699	H 1284	752
700	S 506	752
701	H 96	764
702	S 508	764
703	S 384	764
704	S 424	764
705	S 473	764
706	S 490	774
707	S 157	774
708	S 544	774
709	H 604	774
710	H 1127	774
711	S 1167	775
712	H 1367	775
713	H 278	774
714	S 196	783
715	H 1130	783
716	H 1263	783
717	H 53	783
718	H 733	783
719	H 1221	783
720	H 1260	783
721	H 1319	783
722	H 1354	783
723	S 618	783
724	S 209	783
725	S 217	783
726	S 429	783
727	S 504	783
728	H 1306	783
729	S 628	793
730	H 776	793
731	H 1003	793
732	H 1266	794
733	H 1295	794
734	H 1388	794
735	S 663	794
736	S 671	794
737	H 1344	794
738	H 1394	794
739	S 315	794
740	H 315	809
741	H 567	809
742	H 864	810
743	H 1277	810
744	H 1409	810
745	H 642	810
746	H 684	810
747	H 1387	810
748	H 1402	810
749	S 475	809
750	S 567	809
751	S 621	808
752	H 1353	810
753	H 1374	810
754	H 1384	810
755	S 553	809
756	S 608	809
757	S 22	809
758	H 1129	810
759	H 1143	810
760	S 666	809
761	S 23	827
762	H 21	827
763	H 56	827
764	H 612	827
765	H 909	827
766	H 954	827
767	H 1302	828
768	H 1331	828
769	H 1371	828
770	H 1400	828
771	H 1401	828
772	S 524	827
773	H 767	827
774	H 905	827
775	H 645	827
776	H 596	827
777	H 60	840
778	H 265	840
779	H 683	841
780	H 1253	841
781	H 1380	841
782	H 1382	841
783	S 223	840
784	S 333	840
785	H 206	840
786	H 709	841
787	H 724	841
788	H 882	841
789	H 910	841
790	H 1040	841
791	H 1342	841
792	H 130	840
793	H 230	840
794	H 255	840
795	H 322	840
796	H 459	840

Chapter	Bill No.		Page
797	H	1314	841
798	H	1326	841
799	H	1330	841
800	H	1346	841
801	H	1366	841
802	H	1403	841
803	H	1460	842
804	S	556	840
805	S	626	840
806	S	638	840
807	S	642	840
808	S	647	840
809	H	1393	841
810	H	1463	842
811	H	1464	842
812	H	148	855
813	H	202	855
814	H	785	855
815	H	945	855
816	H	1028	855
817	H	1117	855
818	H	1119	855
819	H	1176	855
820	H	1189	855
821	H	1201	855
822	H	1343	855
823	H	1466	855
824	H	688	860
825	H	935	860
826	H	1368	860
827	H	1415	860
828	H	1420	860
829	H	1433	860
830	H	1443	860
831	H	1419	860
832	H	177	870
833	H	368	870
834	H	376	870
835	H	543	870
836	H	583	871
837	H	932	871
838	H	1050	871
839	H	1177	871
840	H	1196	871
841	H	1465	871
842	H	34	870
843	H	164	870
844	H	451	870
845	H	509	870
846	H	538	870
847	H	581	870
848	H	726	871
849	H	745	871
850	H	797	871
851	H	990	871
852	H	1017	871
853	H	1018	871
854	H	1112	871
855	H	720	881
856	H	1137	871
857	H	1468	882
858	H	1395	882
859	H	1318	882
860	H	1307	882
861	H	1219	881
862	H	1161	881
863	S	59	880
864	S	116	880
865	S	146	880
866	S	229	880
867	S	247	880
868	S	370	880
869	S	419	880
870	S	433	880
871	S	437	880
872	S	458	880
873	S	461	880
874	S	495	880
875	S	518	881
876	S	552	881
877	S	554	881
878	S	688	881
879	S	601	881
880	S	570	881
881	H	33	881
882	H	478	881
883	H	524	881
884	H	1191	881
885	H	1329	882
886	H	1469	882
887	S	416	880
888	S	569	881
889	S	633	881
890	S	685	881
891	S	141	880
892	H	881	886
893	H	1472	887
894	S	291	886
895	H	260	886
896	H	489	886

Chapter	Bill No.	Page
897	H 814	886
898	H 1090	886
899	H 1122	887
900	H 1240	887
901	H 1356	887
902	S 472	886
903	S 698	886
904	H 626	886
905	H 1142	887
906	H 1471	887
907	H 1473	887
908	H 426	891
909	H 830	892
910	H 1072	892
911	S 699	898
912	H 806	899
913	H 517	899
914	H 1045	899
915	H 1169	899
916	S 165	898
917	S 682	898
918	H 457	898
919	H 552	899
920	H 779	899
921	H 1379	899
922	H 1475	899
923	S 313	907
924	S 605	907
925	S 662	907
926	S 701	907
927	H 810	907
928	H 1476	907
929	S 222	907

RATIFIED RESOLUTIONS

Res.	Res. No.	Page	Res.	Res. No.	Page
1	SJR 2	27	29	SJR 215	594
2	HJR 54	41	30	SJR 211	633
3	HJR 105	94	31	HJR 621	634
4	HJR 98	157	32	SJR 468	633
5	SJR 64	156	33	HJR 988	645
6	SJR 108	181	34	SJR 562	645
7	SJR 206	210	35	SJR 584	663
8	HJR 646	238	36	SJR 586	679
9	HJR 279	251	37	HJR 1135	679
10	HJR 280	251	38	HJR 1184	687
11	SJR 15	279	39	SJR 655	713
12	SJR 136	279	40	HJR 1289	720
13	HJR 809	294	41	SJR 409	720
14	HJR 891	295	42	SJR 113	764
15	HJR 410	321	43	SJR 585	774
16	HJR 417	339	44	HJR 1360	775
17	SJR 480	397	45	HJR 1385	793
18	HJR 934	417	46	HJR 1411	793
19	HJR 340	449	47	SJR 690	827
20	HJR 589	449	48	HJR 1211	841
21	HJR 760	450	49	SJR 258	860
22	HJR 1022	451	50	HJR 1185	881
23	HJR 1157	480	51	HJR 1345	887
24	HJR 660	554	52	SJR 332	898
25	HJR 1023	554	53	SJR 622	901
26	HJR 1052	559	54	SJR 653	901
27	HJR 334	587	55	SJR 693	909
28	HJR 1154	597			

NUMERICAL INDEX

SENATE

The identical bill number, when applicable, and the final action on the measure are noted following the title. When ratified, the Chapter Number of the Session Laws is reflected.

BILLS/RESOLUTIONS Page Nos.

S 1 Safe Roads Act of 1983 (H 1)
(Ch. 435) ..... 24, 83, 90, 139, 147, 150, 162, 226, 245, 501, 542, 548.
S 2 Governor Invited to Speak (Res. 1) ..... 24, 26, 27, 923.
S 3 Raise ABC Taxes (Fin Com) ..... 27.
S 4 1983 Senate Permanent Rules
(adopted/see S 241) ..... 31, 108, 113, 119, 919.
S 5 Adoption Court Appearance (H unf rpt) ..... 31, 164, 170.
S 6 Area Mental Health Appeals (Ch. 5) ..... 31, 36, 39, 69.
S 7 Long-Term Hospital Cost (Ch. 12) ..... 31, 52, 56, 73.
S 8 Intermediary Contracts — DHR (Ch. 13) ..... 32, 36, 39, 73.
S 9 Federal Parent Locator Access. (Ch. 15) ..... 32, 45, 49, 82.
S 10 Public Assistance Program/Disability
(Ch. 14) ..... 32, 36, 39, 73.
S 11 Area Mental Health Board (Ch. 6) ..... 32, 36, 39, 69.
S 12 Adoption Consent Requirement
(Ch. 30) ..... 32, 45, 49, 53, 56, 66, 71, 94.
S 13 Hospital/Nursing Home Beds (H 40) (Ch. 143) ..... 32, 186, 201, 251.
S 14 Eliminate Mandatory Retirement (H 48)
(reref St Gov/Sr Citz Com) ..... 33, 647, 660, 790.
S 15 Governor Appoint Elderly Citizens (H 41) (Res. 11) ..... 33, 77, 81, 279.
S 16 LRC's Study on Aging (H 44)
(reref Appr Com/see H 1142–Ch 905) ..... 33, 648.
S 17 Def. of Nursing Home Community Adv. Com. (H 46)
(unf rpt) ..... 33, 555.
S 18 Amend Rest Home Adv. Com. (H 42)
(Ch. 88) ..... 33, 53, 57, 59, 174, 180, 183.
S 19 Gov. Adv. Council on Aging Changes (H 43)
(St Gov/Sr Citz Com) ..... 33.
S 20 Use of School Buses by Sr. Citz. (H 47)
(St Gov/Sr Citz Com) ..... 33.
S 21 Income Tax Ded. for Certain Parents (H 45) (Fin Com) ..... 34.
S 22 Appropriations — Capital Imp. (H 80)
(Ch. 757/see S 313–Ch 923) ..... 34, 799, 802, 807, 809.
S 23 Appropriations — Curent Operations (H 32)
(Ch. 761/see S 313–Ch 923) ..... 34, 799, 802, 814, 827.
S 24 Chaplain Funds (adopted) ..... 34, 53, 57, 918.
S 25 LRC — Study Statewide Lottery (H 49) (Rules Com) ..... 35.
S 26 Moore School Board Vacancy (Loc Gov Com) ..... 35.
S 27 Moore Coroner Abolished (H 30) (Ch. 36) ..... 35, 75, 78, 101.
S 28 Spotlighting Limited — Iredell Co. (H 68)
(N & ER & Wildlife Com) ..... 35.

S 29 Child Support Through High School (Ch. 54)..... 36, 51, 54, 153.
S 30 Police Assault/Mandatory Sentence (J I Com)..... 36.
S 31 Child Support Procedures (Ch. 89)..... 43, 60, 63, 179, 183, 191.
S 32 Unemp. Compen. Ben/Child Sup. (Ch. 33)..... 43, 51, 54, 60, 64, 98.
S 33 DHR — Admin. Functions (Ch. 23)..... 43, 53, 57, 89.
S 34 Legislative Session Length Limit (Rules Com)..... 43.
S 35 Bank Director Terms, Election (Ch. 24)..... 43, 58, 62, 89.
S 36 Board of Governor's Terms (H unf rpt)..... 43, 563, 574.
S 37 Computer Commission Created (Ch. 267)..... 43, 303, 320, 371, 379.
S 38 Social Worker Certification (Hum Res Com)..... 43.
S 39 Entireties Property Amendments (H 106)
(Ch. 449)..... 45, 55, 65, 361, 371, 553.
S 40 Sellers' Consignment Act (H 162)
(Ch. 421)..... 45, 411, 418, 427, 437, 541.
S 41 Appr. — Sigmon Settlement (Catawba) (Appr Com)..... 46.
S 42 Revocation of Consent to Adoption
(Ch. 83)..... 46, 95, 103, 170, 175, 180.
S 43 Simplify Evidence Laws (H 96) (unf rpt)..... 46, 758.
S 44 LRC — Study Info Processing
(St Gov Com/see H 1142-Ch. 905)..... 48.
S 45 Area Program Fund Allocation (Ch. 25)..... 48, 53, 57, 89.
S 46 Const. Amend, Election Date (H 188) (J II/Const Amd Com)..... 48.
S 47 Departmental Rules/Policies (Ch. 76)..... 48, 91, 97, 171.
S 48 Corporate Name Include P.C. (Ch. 22)..... 48, 53, 57, 86.
S 49 Notary Public Course
(Ch. 427)..... 48, 91, 97, 323, 488, 539, 548.
S 50 Health Maintenance Organization
(Ch. 386)..... 48, 62, 78, 88, 414, 453, 460, 468.
S 51 4% State Sales Tax/No Tax on Food (Fin Com/see H 426-Ch. 908).... 48.
S 52 Children's Commission Membership (unf rpt)..... 50, 874.
S 53 D.U.I. — Vehicle Seizure (unf rpt)..... 50, 311.
S 54 Medical Examiners' Fees (Ch. 53)..... 50, 76, 88, 142.
S 55 Nursing Home Administrator Fees (Ch. 215)..... 50, 163, 171, 321.
S 56 Roads/Property Owner Participation
(Ch. 84)..... 50, 106, 110, 165, 174, 181.
S 57 Extend Consumer Finance Int. Rates
(Ch. 68)..... 50, 95, 101, 160.
S 58 Real Est. Brokers/Mobile Home Sales (Ch. 312)..... 51, 341, 355, 409.
S 59 Children's Commission Membership — 2
(Ch. 863)..... 53, 77, 846, 880.
S 60 Video Game License Tax (Fin Com)..... 53.
S 61 Burden of Proof/CRC Hearings
(reref Appr Com)..... 53; 62, 66, 68, 87, 93.
S 62 Radar Technicians (Ch. 34)..... 53, 63, 66, 98.
S 63 Involuntary Commit/Counsel Req. (reref Appr Com)..... 53, 253.
S 64 Health Insurance Offer Mental Health Ser.
(Res. 5)..... 54, 77, 82, 156.
S 65 Fee For Child Support Paid To Court (Fin Com)..... 54.
S 66 LRC — Study Volunteers for Gov. Service (St Gov Com)..... 55.
S 67 Charitable Reg. Applicability
(Ch. 320)..... 55, 77, 143, 151, 400, 404, 407, 417.

S 68 Revoked License/Penalities Incr. (Ch. 51)..... 56, 66, 71, 137.
S 69 Area Match Funding Equalization (reref Appr Com)..... 56, 145.
S 70 Police Reserve & Auxiliary Weapons (unf rpt)..... 56, 759.
S 71 Disabled Vet Prop. Tax Exclusion (Fin Com)..... 56.
S 72 Animals Subject to Larceny Law (Ch. 35)..... 56, 63, 66, 98.
S 73 Cajah Mountain Incorporated (H 140)
(Ch. 52)..... 58, 75, 79, 82, 137.
S 74 Durham Supp. Firemen's Fund (Ch. 463)..... 58, 108, 113, 567.
S 75 Commit. Mentally Ill Defendants
(Ch. 380)..... 58, 253, 261, 270, 275, 455.
S 76 Gov. Op. — Legislative Sessions Study (adopted)..... 61, 918.
S 77 Dispute Resolution (refer Appr Com)..... 61, 168, 180, 828, 854.
S 78 Amend N.C. Consumer Finance Act (unf rpt)..... 61, 569.
S 79 D.U.I. — Gross Negligence Per Se. (unf rpt)..... 63, 758.
S 80 UNC Escheat Funds (H Ed Com)..... 63.
S 81 Appr — Brushy Mtn. Apple Fest. (Appr Com/see S 313–Ch 923)..... 65.
S 82 Architect License (H 163) (St Gov Com)..... 65.
S 83 Social Worker Certification (2)
(Ch. 495)..... 63, 107, 143, 151, 477, 561, 574, 586.
S 84 Election Fund Distribution
(Ch. 139)..... 65, 144, 159, 165, 243.
S 85 Funds for Discovery Place (Appr Com/see S 313–Ch 923)..... 65.
S 86 Asst. Marshals To Have Red Lights (H 83) (unf rpt)..... 67, 105.
S 87 Firemen's Death Benefits (H 117)
(reref Appr Com/see S 23–Ch 761)..... 67, 108.
S 88 Some Fire Depts. Out of NCOSHA (H 82) (unf rpt)..... 67, 280.
S 89 Child Support Procedures (H 179)
(Ch. 677)..... 67, 148, 166, 175, 180, 376, 383, 629, 640, 652, 656, 666, 701, 712, 720.
S 90 Probation — Child Support (H 180)
(Ch. 567)..... 67, 148, 166, 175, 180, 376, 383, 622, 631, 639.
S 91 Occupational Boards Interest
(Ch. 515)..... 69, 91, 399, 404, 423, 429, 594.
S 92 Inventory Credit/Corp. Prepay Tax (H 185) (Fin Com)..... 70.
S 93 ABC Inspection Authority (J III/Law Enf & CJ Com)..... 70.
S 94 Magistrate on Courts Commission
(Ch. 181)..... 70, 90, 97, 282, 293.
S 95 Montgomery School Land Sale (Ch. 78)..... 70, 105, 110, 176.
S 96 Disabled Vets Handicap. Spaces (H reref Appr E Com)..... 70, 139, 151.
S 97 Notice of Foreclosure Hearing
(Ch. 335)..... 73, 105, 110, 423, 429, 445.
S 98 Utilities Commission/Elected (Pub Util Com)..... 70.
S 99 Fayetteville Museum Appr. (H 234) (Appr Com/see S 313–Ch 923)..... 73.
S 100 Expunction of Juvenile Records (unf rpt)..... 75, 140.
S 101 Sex Offenses Nondivertible (Ch. 251)..... 75, 140, 151, 351.
S 102 Motor Veh/Window Obstructions Prohibited
(H Hiway Saf Com)..... 78, 650, 669.
S 103 Extend Mental Health Study Comm.
(Ch. 268)..... 78, 90, 97, 371, 379.
S 104 Waynesborough Park Appr. (Appr Com/see S 313–Ch 923)..... 78.
S 105 Increase Law Officers Ret. Benefit (reref Appr Com)..... 78, 192.

S 106 Law Officers Ret. Benefits (H ppi)..... 78, 192, 201.
S 107 Revise Annexation Laws
(Ch. 636) .....80, 411, 458, 466, 474, 484, 668, 676, 685, 697.
S 108 Federal Tuition Tax Credit Bill (H 241)
(Res. 6)..... 80, 143, 165, 175, 181.
S 109 Library Voter Registration
(Ch. 588) .....80, 144, 159, 166, 641, 652, 663.
S 110 New Elections w/o County Bd Public Hearing
(Ch. 210) .....80, 144, 159, 316.
S 111 Nuclear Weapons/Urge Freeze (H 240)
(tabled).....81, 90, 95, 99, 102, 164, 171.
S 112 Newbold — White House Rehab. (Appr Com/see S 313–Ch 923)..... 81.
S 113 Private Roads — Between Communities
(Res. 42)..... 81, 106, 110, 117, 141, 716, 750, 764.
S 114 Estimated Income Tax Declaration (Fin Com)..... 81.
S 115 Old Wilkes Jail Museum Funds (Appr Com) ..... 83.
S 116 Funds for Outpatient Commitment (Ch. 864)..... 84, 846, 880.
S 117 Banking Comm. Membership Increase
(Ch. 328) .....84, 148, 159, 282, 310, 347, 404, 420, 434.
S 118 Government Funds in Savings & Loans
(Ch. 158) .....85, 111, 136, 248, 255, 263.
S 119 Savings & Loan Law Amendments (Ch. 144).....85, 112, 137, 251.
S 120 Payment of Appointed Counsel Fees
(Ch. 135) .....85, 99, 104, 221, 228, 233.
S 121 Private College Aid Requests (Ch. 163) .....91, 182, 188, 267.
S 122 Onslow Fox Hunting (H 296–Ch 109)
(H ppi) ..... 91, 108, 113.
S 123 Expunction of Arrest Records
(failed 3rd rdg)..... 91, 207, 221, 242, 255, 262, 369, 374, 383, 390.
S 124 New Hanover Election Districts (H 291) (Loc Gov Com)..... 91.
S 125 Wilmington Election Districts (H 292) (Loc Gov Com) ..... 92.
S 126 Presidential Primary Delegates (Ch. 216).....92, 213, 221, 321.
S 127 Children with Special Needs Law
(Ch. 247) ..... 92, 191, 205, 210, 344.
S 128 Peace Through Strength (H 333) (Rules Com).....92, 95.
S 129 Additional Court of Appeals Seats (Appr Com)..... 92.
S 130 Shift Premium Pay Funds (Appr Com)..... 92.
S 131 Boll Weevil Eradication
(Ch. 136) .....93, 105, 110, 143, 151, 233.
S 132 Cumberland School Board Chairman (Ch. 99) .....93, 140, 146, 202.
S 133 Mixed Ticket Voting (unf rpt) .....95, 604.
S 134 Tax on Wine Made From NC Grapes (recom Fin)..... 95, 708, 723.
S 135 Wright Brothers 80th Anniversary (Appr Com/see S 313–Ch 923)..... 96.
S 136 Expressing Concern of Unemployment
(Res. 12).....96, 143, 151, 266, 270, 279.
S 137 Hickory Land Conveyance (Ch. 79) .....96, 140, 146, 177.
S 138 Carteret Sheriff Car Purchase (Ch. 80).....96, 105, 110, 177.
S 139 Retirement Credit/Worker's Comp.
(Ch. 533) ..... 96, 419, 458, 466, 619.
S 140 Lexington Supp. Firemen's Fund (Ch. 462).....96, 192, 205, 567.

S 141 Public Health Law Recodification (H 318)
(Ch. 891) ..... 100, 542, 580, 592, 606, 761, 767, 788, 808, 862, 868, 880.
S 142 Full Retirement After 27 Yrs (reref Appr Com)..... 100, 571.
S 143 Education Law Review (reref Appr Com) ..... 100, 621.
S 144 Wine Franchises (H 313)
(Ch. 85) ..... 100, 112, 113, 170, 175, 181.
S 145 Comparative Fault (H 319)
(reref Ins Com) ..... 100, 140, 150, 163, 290, 299.
S 146 Tax Checkoff/Endangered Species
(Ch. 865) ..... 102, 105, 192, 212, 846, 880.
S 147 Wildlife Protectors Enforcement (H reref Appr E Com) 102, 487, 675, 685.
S 148 Sanitary District Lawsuit (H 306)
(Ch. 55) ..... 102, 105, 110, 153.
S 149 State Budget Reflect Local Programs (H 354)
(H reref Appr E Com)..... 103, 143, 151.
S 150 Surplus Municipal Personal Property (Ch. 130)..... 103, 149, 166, 229.
S 151 Halifax Resolves on Seal (Ch. 257)..... 103, 212, 221, 356.
S 152 No City Pest Control License Tax (Ch. 193)..... 109, 212, 221, 308.
S 153 Fertilizer Law Amendments
(Ch. 146) ..... 109, 163, 171, 176, 258.
S 154 Retirement Temporary Credit (reref Appr Com) ..... 109, 253.
S 155 State Government Center (H 339) (St Gov Com) ..... 109.
S 156 Incr. Federal Retirement Pay Exclusion (Fin Com)..... 112.
S 157 High School Library Voter Register
(Ch. 707) ..... 112, 334, 349, 355, 750, 762, 774.
S 158 Health Plan Benefit Reimbursement (reref Ins Com) ..... 115, 612, 631.
S 159 Increase Court "Facility" Fees (Fin Com) ..... 115.
S 160 Winston-Salem Firemen's Fund (Ch. 464)..... 115, 193, 201, 567.
S 161 Magistrate Assignments (H Courts Com) ..... 116, 207, 215.
S 162 Littering Amendment (H unf rpt)..... 116, 161, 175.
S 163 Repealing Old Law/New One Enacted (Rules Com)..... 116.
S 164 Migrant Worker Funds (Appr Com)..... 116.
S 165 Child Pornography
(Ch. 916) ..... 116, 118, 207, 215, 244, 260, 271, 861, 872, 874, 895, 896, 898.
S 166 Beaufort Town Property (Ch. 100) ..... 119, 140, 146, 202.
S 167 District Ct. Judge in 12th (Appr Com) ..... 119.
S 168 Henderson Intangible Tax Use
(Ch. 336) ..... 141, 182, 188, 207, 215, 423, 430, 445.
S 169 Podiatry Examiners
(Ch. 217) ..... 144, 185, 194, 201, 321.
S 170 Raleigh Land Disposal (Ch. 159)..... 144, 182, 188, 263.
S 171 Historic Preservation Funds (H 430)
(Appr Com/see S 313–Ch 923) ..... 144.
S 172 Winston-Salem Parking (Ch. 160) ..... 144, 182, 188, 263.
S 173 Voter Tapes to State Parties (Ch. 218)..... 144, 213, 221, 321.
S 174 Endorsing Mutual Assured Survival (Rules Com)..... 145.
S 175 Full Retirement After 25 Years (Pens & Ret Com)..... 145.
S 176 Out-of-County Land Acquisition
(recom J II Com)..... 145, 182, 188, 207, 215, 481, 486.
S 177 Driver's Licenses Age Color-Coded (Ch. 443) ..... 145, 420, 430, 553.

S 178 Memorializing Congress/Assessments on Milk (Rules Com) ..... 149.
S 179 Private Resident Child-Care Grant (H 409) (Appr Com)..... 149.
S 180 Preservation/Farms Closely Held (Fin Com) ..... 149.
S 181 Judges Exempt from State Bar Dues
(Ch. 589) ..... 149, 212, 228, 641, 652, 663.
S 182 Parking Facilities Revenue Bonds
(Ch. 168) ..... 161, 185, 194, 201, 210, 271.
S 183 Forsyth Property Tax Release (Ch. 182)..... 150, 182, 188, 293.
S 184 Access to Juvenile Records of Adult Dependants
(H-tabled)..... 150, 411, 448.
S 185 Weight — Farm Vehicles (Ch. 407) ..... 154, 280, 288, 473, 479, 485.
S 186 Engineers and Surveyors — Amendments
(Ch. 183) ..... 154, 212, 221, 293.
S 187 NC Memorial Hospital Center (H 377) (Appr Com)..... 154.
S 188 No Tall Structures on Mountain Ridges (see H 438)
(Ch. 676) ..... 154, 253, 275, 280, 299, 310, 331, 684, 709, 720.
S 189 Register of Deeds Technical Amendments (Ch. 127) ... 154, 169, 176, 222.
S 190 Mitchell Tax Collector Appointed (Ch. 269) ..... 158, 182, 188, 379.
S 191 Hospital Sales Tax Refund (reref Ways & Means Com) ..... 158, 164.
S 192 Henderson Zoning Board (Ch. 161)..... 164, 182, 189, 263.
S 193 Blandwood Dependencies — Appr. (Appr Com/see S 313–Ch 923).... 164.
S 194 Rewrite Certain Forest Laws
(Ch. 327) ..... 165, 302, 313, 331, 335, 406, 415, 424.
S 195 Schiele Museum Funds (Appr Com/see S 313–Ch 923) ..... 165.
S 196 Nuclear Waste Compact (Ch. 714) ..... 165, 244, 256, 770, 783.
S 197 Worker's Comp for Impaired Lung (Mfg, L & C Com)..... 169.
S 198 Industrial Commission Salaries (reref Appr Com)..... 169, 425.
S 199 Review of Workers' Compensation Award (Mfg, L & C Com) ..... 169.
S 200 Industrial Commission Deputy Commissioner
(reref Appr Com)..... 169, 425.
S 201 Force Account Work Restrictions (Ch. 270)..... 169, 207, 216, 379.
S 202 Hunting License Fee Increase
(Ch. 140) ..... 169, 172, 185, 194, 243.
S 203 Interstate Doubles Safety Act (reref W & M/Transp Com) ..... 169, 181.
S 204 Jackson Pawnbrokers
(Ch. 169) ..... 170, 182, 189, 266, 271, 279.
S 205 Temple Theater Restoration Funds (Appr Com/see S 313–Ch 923) ... 170.
S 206 Commemorating Nathan Hunter Yelton (Res. 7) ..... 173, 198, 205, 210.
S 207 Raise Beer & Wine Drinking Age (reref Appr Com)..... 173, 358, 371.
S 208 US Truck Tax Payment (H 482) (reref W & M/Trans Com) ..... 173, 178.
S 209 Truck Weights/Federal Bridge Formula (H 481)
(Ch. 724) ..... 173, 178, 589, 606, 616, 694, 702, 707, 747, 761, 771, 783.
S 210 Double Trailers/Vehicle Lengths (H 480)
(reref W & M/Trans Com)..... 173, 178.
S 211 Nuclear Submarines Disposal
(Res. 30)..... 179, 212, 222, 454, 613, 623, 633.
S 212 NC Institute of Medicine
(reref Appr Com/see S 313–Ch 923)..... 179, 273.
S 213 Restoration Person Place Funds (Appr Com/see S 313–Ch 923)..... 179.
S 214 Franklin Pay Acts Repeal (Ch. 184)..... 179, 207, 216, 293.

S 215 Oppose Sale of National Forest Service Land (Res. 29) ..... 186, 212, 222, 594.
S 216 Prepaid Dental Plans (H 453) (reref Appr Com) ..... 186, 647.
S 217 Retirement Credit for Temporary Service (Ch. 725) ..... 186, 648, 660, 761, 771, 783.
S 218 Hoke County Courthouse Funds (Appr Com) ..... 187.
S 219 Resign-To-Run (unf rpt) ..... 187, 604.
S 220 Repeal Obsolete Agriculture Laws (Ch. 248) ..... 187, 207, 216, 344.
S 221 Hatcheries and Chick Dealers (Ch. 290) ..... 187, 207, 244, 256, 387.
S 222 Converted Boilers Tax Credit Change (Ch. 929) ..... 187, 810, 831, 907.
S 223 Consider Rockingham Merger (Ch. 783) ..... 193, 818, 840.
S 224 Deception Examiner Redefined (Ch. 259) ..... 193, 240, 248, 375.
S 225 Rhododendron Festival Funds (H 539) (Appr Com/see S 313–Ch 923) ..... 193.
S 226 Campaign Spending Limits (St Gov/Elec Laws Com) ..... 193.
S 227 Old Salem Funds (Appr Com/see S 313–Ch 923) ..... 194.
S 228 Federal Preemption Opt-Out (unf rpt) ..... 187, 569.
S 229 Publications Procedures (Ch. 866) ..... 194, 388, 401, 856, 880.
S 230 Buncombe School Fund Commission — 2 (H 507) (Ch. 534) ..... 194, 560, 583, 619.
S 231 Rutherford County Police (Ch. 271) ..... 194, 297, 313, 379.
S 232 Computer Tech. Programs (Appr Com) ..... 199.
S 233 Buncombe Manager Plan (H 585) (Ch. 129) ..... 199, 208, 216, 229.
S 234 Andrew Jackson Mem. Funds (Appr Com/see S 313–Ch 923) ..... 199.
S 235 Prison Escape Amendments (Ch. 465) ..... 203, 340, 349, 359, 365, 567.
S 236 Incorporate Oak Hill (H 534) (Loc Gov Com) ..... 203.
S 237 Placement of Prisoner's Baby (unf rpt) ..... 204, 759.
S 238 Private Protective Service Recovery Fund (Ch. 673) ..... 209, 464, 479, 560, 574, 713.
S 239 Mitchell Accountant Abolished (Ch. 428) ..... 209, 241, 248, 548.
S 240 Natural Death Act Amended (Ch. 313) ..... 209, 302, 324, 409.
S 241 Amend Senate Rules — Extend Local Bill Deadline (adopted/see S 4) ..... 204, 919.
S 242 Greensboro School Code Amend (Ch. 429) ..... 213, 241, 249, 548.
S 243 Union County Courthouse Funds (Appr Com/see S 313–Ch 923) ..... 213.
S 244 Monroe Schools (ppi) ..... 213, 483, 486, 556, 567.
S 245 Delete Marine Fisheries Provisions (Ch. 221) ..... 214, 245, 256, 324.
S 246 Repeal Obsolete Water, Dune Laws (Ch. 222) ..... 214, 245, 256, 324.
S 247 Randolph–Sheppard Vendors' Status (Ch. 867) ..... 214, 537, 845, 880.
S 248 Greensboro Supplemental Retirement Fund (Ch. 466) ..... 214, 340, 349, 567.
S 249 Approp — NCSU Fletcher Center (H 668) (Appr Com) ..... 214.
S 250 John C. Campbell Folk School Funds (Appr Com/see S 313–Ch 923) ..... 214.
S 251 County Employees Personnel Policy (Ch. 674) ..... 214, 603, 623, 713.
S 252 Small Watershed Financing (Ch. 321) ..... 214, 244, 256, 262, 275, 417.
S 253 Southern States Energy Board (Ch. 282) ..... 215, 274, 299, 379.
S 254 Gaston Banks Collect Property Taxes (Ch. 284) ..... 220, 302, 313, 384.
S 255 Secretary of State Fees and Taxes (H 695) (H ppi/see H 278-Ch. 713) ..... 220, 361, 385, 391, 396.

S 256 Beech Mountain Beer & Wine Election (Ch. 285) ..... 220, 268, 303, 313, 384.
S 257 Noncertified School Employees Pay (Appr Com) ..... 220.
S 258 Continue Review of Dept of Transportation (H 595) (Res. 49) ..... 220, 303, 313, 860.
S 259 Drivers Lic./Change of Address (H 673) (Ch. 521) ..... 220, 341, 388, 396, 609.
S 260 Wilmington/International City (H 589–Res 20) (H ppi) ..... 220, 303, 313.
S 261 Wilmington Contracts (Ch. 430) ..... 220, 269, 275, 548.
S 262 Commission Work on Future of N.C. (Rules Com) ..... 221.
S 263 Banking Law Amendments (H 661) (Ch. 214) ..... 224, 252, 262, 312, 321.
S 264 American Dance Festival Funds (Appr Com/see S 313–Ch 923) ..... 224.
S 265 CAMA Development Before Hearing (St Gov Com) ..... 224.
S 266 CAMA Clarifying Changes (Ch. 518) ..... 224, 458, 466, 594.
S 267 CAMA Development by Local Government (H 226) (St Gov Com) ... 224.
S 268 Flood Control — Recreation Projects (Ch. 450) ..... 224, 252, 273, 292, 553.
S 269 Env. Mgmt. Comn. Procedures (Ch. 296) ..... 224, 252, 302, 331, 387.
S 270 Well Construction Penalties (H Rules Com) ..... 224, 549, 557, 759, 771, 780.
S 271 Dredge–Fill Permit Procedures (Ch. 258) ..... 224, 252, 273, 300, 356.
S 272 Division of Aeronautics Funds (Appr Com) ..... 225.
S 273 Emergency Juvenile Admissions (Ch. 302) ..... 225, 245, 256, 382, 395, 403.
S 274 State Lottery Act (Rules Com) ..... 225.
S 275 State Lottery Act — w/Referendum (tabled) ..... 225, 311, 381, 391, 395, 401, 423, 939.
S 276 Bingo Regulation and Taxation (Withdrawn) ..... 225.
S 277 Retirement Refund — Waiting Period (Ch. 467) ..... 225, 340, 349, 567.
S 278 Recodify Public Hospital Laws (H 645) (reref St Gov Com) ..... 225, 667, 689, 702, 712, 751.
S 279 Fair Housing (H 431) (Ch. 522) ..... 225, 418, 448, 609.
S 280 Deferred Compensation (Ch. 559) ..... 225, 486, 546, 633.
S 281 Approp. Old Richmond Courthouse (Appr Com/see S 313–Ch 923) ... 226.
S 282 Parking at Greensboro–High Point Airport (Ch 431) ..... 226, 269, 275, 548.
S 283 No Foreclosure of Homestead Property (H Fin Com) ..... 226, 362, 372.
S 284 Coastal Resources Composition (reref Appr Com) ..... 226, 230, 611.
S 285 Forsyth Towing (Ch. 459) ..... 226, 269, 276, 543, 552, 559.
S 286 Gaston Property Disposal (Ch. 405) ..... 226, 269, 276, 475.
S 287 Tobacco Festival Funds (H 672) (Appr Com/see S 313-Ch. 923) ..... 226.
S 288 Unlawfully Obtaining Funds (J II Com) ..... 230.
S 289 State Personnel to Hear Complaints (Ch. 516) ..... 230, 388, 401, 594.
S 290 Wilmington Historic District (Ch. 432) ..... 231, 269, 276, 548.
S 291 Prevention of Child Abuse & Neglect (Ch. 894) ..... 231, 280, 362, 846, 886.

S 292 Mitchell Referendum (H 710) (Loc Gov Com) ..... 231.
S 293 Law Enforcement Tax Shelter (Ch. 468)..... 231, 363, 372, 567.
S 294 Judicial Retirement Tax Shelter
(Ch. 469) ..... 231, 363, 372, 377, 396, 568.
S 295 MIA Dependents/In-State Tuition (reref Appr Com)..... 231, 303, 313.
S 296 Ayden Painting Display Funds (H 741)
(Appr Com/see S 313-Ch. 923)..... 231.
S 297 Grifton Painting Display Funds (H 728)
(Appr Com/see S 313-Ch. 923)..... 231.
S 298 A.L.E. Drivers' License/Reg. Plates
(Ch. 629) ..... 232, 341, 355, 359, 488, 539, 557, 679.
S 299 Age Changes in Militia Laws
(Ch. 314) ..... 232, 303, 331, 336, 409.
S 300 No Right to Court-Martial (Ch. 315) ..... 232, 303, 331, 409.
S 301 Reference to Court-Martial Manual (Ch. 316) ..... 232, 303, 331, 409.
S 302 Haywood Hall Funds (Appr Com/see S 313–Ch 923)..... 241.
S 303 Incorporate Salem (H 699–ppi) (H unf rpt)..... 246, 269, 276, 283.
S 304 State Telephone Network (Ch. 406) ..... 246, 363, 372, 475.
S 305 Approp. W. Onslow Beach Ramp (Appr Com/see S 313–Ch 923)..... 246.
S 306 Consular Plates to Non-nationals (Ch. 317)..... 246, 341, 350, 409.
S 307 Emergency Planning/Nuclear Facilities
(Ch. 622) ..... 246, 419, 487, 539, 546, 679.
S 308 N.C. Energy Development Authority
(Ch. 652) ..... 246, 393, 407, 415, 676, 685, 694, 705.
S 309 LEO Definition (unf rpt) ..... 246, 759.
S 310 Jackson Charter Revised
(Ch. 286) ..... 247, 269, 276, 283, 384.
S 311 Bomber Squadrons Named (reref Rules Com)..... 242, 249.
S 312 Kannapolis Charters (H 629) (Loc Gov Com)..... 247.
S 313 Church Rehabilitation Funds (Ch. 923) ..... 247, 899, 900, 907.
S 314 Fourth of July Funds (Appr Com) ..... 247.
S 315 Investigative Searches of Fires (Ch. 739)..... 247, 602, 616, 794.
S 316 Break In/Basis for Felony Murder (H 416) (unf rpt) ..... 247, 758.
S 317 Drug Dealing Money Forfeiture (H 748) (unf rpt) ..... 247, 682.
S 318 Felony Child Abuse Punishment
(Ch. 653) ..... 247, 458, 474, 574, 682, 695, 705.
S 319 Larceny/Breaking & Entering Auto — Felony (H 749)
(failed 2nd rdg)..... 247, 464, 474.
S 320 Incompetent Defendant Case Dismissal (H 700–Ch 460)
(H ppi) ..... 247, 369, 374, 383.
S 321 Felony Conspiracy Punishment
(Ch. 451) ..... 248, 369, 374, 385, 391, 553.
S 322 Stoneville Charter Rewrite
(Ch. 287) ..... 248, 269, 276, 283, 384.
S 323 Execution of Death-Penalty by Drug
(Ch. 678) ..... 254, 340, 465, 479, 491, 539, 546, 701, 712, 720.
S 324 Second Degree Murder/Felony (unf rpt) ..... 254, 758.
S 325 Funds for Judicial Service (Appr Com) ..... 254.
S 326 Honoring NCSU Basketball Team (Rules Com) ..... 248.
S 327 Injury By Accident/Workers' Compensation (H 368)
(Mfg, L & C Com)..... 254.

S 328 Western NC Group Home Funds (H 771) (Appr Com) ..... 254.
S 329 LRC — Study/Needs of Women, Contd. (H 904)
(Rules Com/see H 1142–Ch 905) ..... 254.
S 330 The Child Protection Act of 1983
(H ppi) ..... 254, 357, 372, 418, 448, 457, 474, 484.
S 331 Directing MHSC to Examine Funding Policies (H 760)
(Rules Com) ..... 260.
S 332 NCCC Study/Court of Appeals Overload (Res. 52)..... 260, 334, 343, 898.
S 333 Emergency Judge's Qualifications
(Ch. 784) ..... 260, 269, 612, 623, 832, 840.
S 334 Garner Volunteer Fire Department Funds
(Appr Com/see S 313–Ch 923) ..... 260.
S 335 Medical Care Membership (unf rpt) ..... 260, 561.
S 336 Restoration Funds for St. Joseph's Church (Appr Com)..... 264.
S 337 Sale of Drugs to a Minor (Ch. 414)..... 264, 393, 402, 493.
S 338 Prison Medical Contractors' Defense (H ppi) ..... 265, 602, 616.
S 339 Injury by Vehicle (unf rpt)..... 265, 758.
S 340 NCCC — Study/Superior Court
(H reref Appr E Com)..... 265, 303, 314, 320.
S 341 Guardian Ad Litem Program (H 732)
(reref Appr Com/see S 23–Ch 761) ..... 265, 570.
S 342 Misdemeanor Marijuana Possession
(failed 2nd rdg)..... 265, 453, 460.
S 343 LRC — Study Twelfth Grade Contd. (H 753)
(Rules Com/see H 1142–Ch 905) ..... 265.
S 344 Increase Amount Clerk May Receive (unf rpt) ..... 265, 758.
S 345 Alcohol and Drug Treat. Bed Freeze (Ch. 415)..... 265, 362, 402, 541.
S 346 Military Tuition Rates
(H reref Appr E Com)..... 266, 357, 372, 379, 386.
S 347 Alamance Annexation Moratorium (Loc Gov Com)..... 274.
S 348 Surry Private Roads
(Ch. 299) ..... 274, 297, 305, 382, 391, 397.
S 349 Greensboro–High Point Airport Authority
(Ch. 444) ..... 274, 297, 305, 314, 553.
S 350 Church Day-Care Compliance
(Ch. 283) ..... 274, 310, 320, 370, 379, 384.
S 351 Mill Prong Funds (Appr Com/see S 313–Ch 923) ..... 274.
S 352 Fairmont School Boundaries (Ch. 337)..... 274, 327, 336, 445.
S 353 Murfreesboro Charter
(Ch. 445) ..... 281, 327, 336, 343, 553.
S 354 Startown Incorporated — Catawba (Loc Gov Com) ..... 281.
S 355 Murray's Mill Appropriation (Appr Com) ..... 281.
S 356 Shellfish Lease Fees
(Ch. 601) ..... 281, 303, 388, 396, 671.
S 357 Seafood License Increase/Tax Repeal
(Ch. 570) ..... 281, 333, 388, 396, 629, 637, 645.
S 358 "Historical Currituck Teacherage" (Appr Com/see S 313–Ch 923) .... 281.
S 359 Teacher Oaths of Allegiance (reref Ed Com) ..... 281, 358.
S 360 NC Dance Theater Funds
(reref Appr Com/see S 313–Ch 923) ..... 281, 326.
S 361 Amend Merchant Sales Tax Discount (Fin Com)..... 281.
S 362 Woodfin Partison Elections (Ch. 291)..... 282, 327, 336, 387.

S 363 Buncombe County Add. 1% Sales Tax (H 826) (Fin Com) ..... 282.
S 364 Four Oaks Annexation
(Ch. 447) ..... 282, 454, 461, 467, 553.
S 365 Moore School Board Pay (H 827)
(Ch. 338) ..... 286, 327, 336, 445.
S 366 Literary Fund Interest (Ch. 477) ..... 286, 310, 320, 579.
S 367 Funds for Malcolm Blue Historical Society
(H 639) (Appr Com/see S 313-Ch. 923) ..... 286.
S 368 Government-in-the-Sunshine Law (unf rpt)..... 286, 621.
S 369 Nash Industrial Development Funds (Ch. 339) ..... 286, 327, 336, 445.
S 370 Perinatal Program Funds (Ch. 868) ..... 286, 846, 880.
S 371 Grimes Mill/Hall House Funds
(Appr Com/see S 313–Ch 923) ..... 286.
S 372 Assure Future of Western Gov. Res. (H 915)
(Ch. 602) ..... 286, 419, 430, 650, 660, 671.
S 373 Exemption from Creditors Claims
(H J 4 Com) ..... 286, 537, 546, 558, 565.
S 374 Vocational Education — Jr. High
(Ch. 340) ..... 286, 310, 320, 429, 445.
S 375 China Grove Vacancies
(Ch. 433) ..... 287, 327, 333, 343, 548.
S 376 School Employee Vacation Benefits (reref Appr Com) ..... 287, 392.
S 377 Weymouth Center Funds (Appr Com/see S 313–Ch 923) ..... 287.
S 378 Pamlico Municipalities (Loc Gov Com)..... 290.
S 379 Appr. — Carteret Courthouse (Appr Com/see S 313–Ch 923)..... 290.
S 380 Hampton Mariner's Museum Funds (H 889)
(Appr Com/see S 313–Ch 923) ..... 290.
S 381 LRC — Study Reg & Tax/Money Inst.
(reref Appr Com/see H 1142–Ch 905)..... 290, 820.
S 382 Mitchell Moratorium Lifted (reref Appr Com)..... 290, 483.
S 383 Catawba Civic Center Authority
(H Loc Gov I Com)..... 290, 602, 623, 631.
S 384 Snow Day Make-up — 2 Counties
(Ch. 703) ..... 290, 602, 657, 669, 764.
S 385 Incorporate Marvin
(Ch. 514) ..... 291, 458, 474, 479, 594.
S 386 Durham City Charter
(Ch. 458) ..... 291, 328, 336, 344, 551, 559.
S 387 Contractor's Licenses
(H reref J 3 Com) ..... 291, 604, 624, 632.
S 388 Durham/Grants & Loans Econ. Dev. (H 873–Ch 255)
(H unf rpt)..... 291, 337.
S 389 Pembroke Town Elections (Loc Gov Com) ..... 291.
S 390 Weldon School Boundaries
(recom Loc Gov Com)..... 291, 328, 337.
S 391 St. Paul's City School Bd. (Loc Gov Com) ..... 291.
S 392 Secure Custody Clarifications
(Ch. 590) ..... 299, 457, 485, 491, 636, 651, 663.
S 393 Honoring NCSU/UNC Basketball (H 891–Res 14) (H ppi)..... 291.
S 394 Inlet Dunes Incorporated (Loc Gov Com)..... 299.
S 395 Elect State Board of Education (H 1060) (J II/Const Amd Com)..... 304.
S 396 Revise Education Finance (H 1055) (Fin Com) ..... 304.

S 397 Revise School Personnel System
(H 1053) (reref to Appr Com).....304, 777.
S 398 Shellfish Utilization (Appr Com) ..... 304.
S 399 Teachers — 11th Salary Step (Ed Com) ..... 304.
S 400 Bright Leaf Hoedown Appropriation
(H 867) (Appr Com/see S 313-Ch. 923) ..... 304.
S 401 Secretary of State Appropriations (Appr Com/see S 23–Ch 761) ..... 304.
S 402 Amend Credit Union Law
(Ch. 568) .....311, 377, 395, 605, 620, 632, 639.
S 403 Corporate Credit Union Rewrite
(Ch. 470) .....311, 369, 396, 551, 558, 568.
S 404 Prison Sentences/Good Conduct Reduction
(Ch. 560) .....311, 418, 437, 633.
S 405 Pitt Pawnbrokers (Ch. 382).....312, 328, 337, 447, 455, 463.
S 406 Citizen–Legislature Act of 1983
(H Rules Com) ..... 312, 389, 402, 415, 455.
S 407 Appeal Req — for Indigent Counsel
(reref Appr Com).....312, 327, 337, 570, 592, 606, 624.
S 408 Plumbing/Heating Contractor Law
(Ch. 569) .....316, 340, 350, 557, 621, 632, 639.
S 409 Memorializing/Anthony C. Corn
(Res. 41)..... 317, 393, 635, 652, 720.
S 410 Registered Public Obligations
(Ch. 322) ..... 317, 340, 350, 355, 417.
S 411 State Revenue Bonds (Ch. 554)..... 318, 426, 437, 448, 633.
S 412 Private College Grant Increase (H 917)
(Appr Com/see S 23–Ch 761) ..... 318.
S 413 Local School Superintendent Election (Ch. 478) .....318, 426, 438, 579.
S 414 Appr — Asst. Apiculturist — NCSU (H 928)
(Appr Com)..... 318.
S 415 Noncertified School Employee Raise (Appr Com)..... 318.
S 416 No Sales Tax on Death Certificates (Ch. 887).....318, 799, 822, 880.
S 417 Cedar Island Boat Ramp Funds (Appr Com/see S 313–Ch 923) ..... 322.
S 418 Annual Precinct Meetings (Ch. 519).....322, 419, 430, 594.
S 419 White Oak River Funds Nonrevertible (Ch. 869) ..... 322, 847, 880.
S 420 Sailboat Numbering Fee
(Ch. 446) .....329, 362, 372, 437, 487, 544, 553.
S 421 Community College Technical Amendment
(Ch. 479) .....329, 410, 424, 579.
S 422 Cosmetologists' Fees
(Ch. 523) .....329, 388, 402, 415, 582, 592, 609.
S 423 No Plea Bargaining on 2nd Offenses (J I Com)..... 334.
S 424 Dealer Licensing Amendment (H 941)
(Ch. 704) .....334, 628, 642, 652, 750, 764.
S 425 Spencer Shops Appr (Appr Com/see S 313–Ch 923)..... 334.
S 426 Tuition — Math & Science School (Ed Com) ..... 334.
S 427 Auctioneer Recovery Fund (Ch. 603).....334, 426, 438, 671.
S 428 Renovate Old Art Museum (H 929) (Appr Com)..... 335.
S 429 Payment for Juveniles' Counsel
(Ch. 726) .....335, 369, 374, 383, 761, 771, 783.
S 430 Early Parole With Community Service
(H J 1 Com) .....335, 358, 365, 372, 375, 376, 391.

S 431 Atlantic Beach Annexation (Ch. 341) ..... 342, 358, 365, 445.
S 432 No Bear Hunting with Dogs — Pamlico Co.
(Ch. 448) ..... 342, 419, 430, 553.
S 433 Termination of Parental Rights Guardian
(Ch. 870) ..... 342, 555, 565, 856, 880.
S 434 Doctor/Patient Privilege Clarified (Ch. 471) ..... 342, 453, 461, 568.
S 435 Handicap Equipment Tax Credit
(Passed 2nd rdg–reref Appr Com) ..... 342, 708, 718.
S 436 Occupation Therapy Licensing
(H Rules Com) ..... 342, 387, 700, 810, 831, 843.
S 437 Incentive Pay (Ch. 871) ..... 343, 847, 880.
S 438 18–21 Year Driving After Drinking (J II Com) ..... 343.
S 439 Death Penalty Abolished (tabled) ..... 343.
S 440 Checkoff Designation (Ch. 480) ..... 347, 426, 438, 579.
S 441 Remove Check-off Ceiling (Ch. 481) ..... 347, 427, 438, 579.
S 442 Hickory Art Funds (Appr Com/see S 313-Ch 923) ..... 347.
S 443 Insurance Company Capital/Surplus (Ch. 472) ..... 347, 410, 438, 568.
S 444 Voluntary Motorcycle Helmet Usage (Rules Com) ..... 348.
S 445 LRC — Study Procedure/Incorporating Municipalities
(reref Appr Com/see H 1142–Ch 905) ..... 348, 428, 438, 456, 536, 552, 558.
S 446 Federal PACS (reref St Gov/Elec Laws Com) ..... 353, 393, 402.
S 447 Cherokee Voter Assistance (Ch. 310) ..... 353, 358, 366, 409.
S 448 Amend Disability Ret Limit (reref Appr Com) ..... 353, 458.
S 449 Upper Piedmont Research Station (Appr Com) ..... 353.
S 450 Sales Tax on all Vehicle Sales (Fin Com) ..... 353.
S 451 Merchants Revolving Interest Rate
(H Banks Com) ..... 354, 392, 408, 416, 424, 426, 542, 558.
S 452 Employees' Medical Plan Amendment (H 986)
(Appr Com) ..... 354.
S 453 DOT Permit Fees
(Ch. 604) ..... 354, 420, 457, 467, 641, 660, 671.
S 454 Amend Optometric Drug Use Law (Hum Res Com) ..... 364.
S 455 Narcotics Investigation (reref Appr Com) ..... 364, 758.
S 456 Multipurpose Center/Seaboard Building (H 996)
(Appr Com) ..... 364.
S 457 Retirement Part-time Employees
(reref Appr Com/see S 313–Ch 923) ..... 364, 572.
S 458 Leave Benefits Public Schools (Ch. 872) ..... 364, 847, 880.
S 459 Agency Budget (H 939) (Appr Com) ..... 365.
S 460 Craven Elderly Screening Funds (Appr Com) ..... 365.
S 461 No Sales Tax on Advertising Inserts (Ch. 873) ..... 370, 811, 831, 880.
S 462 Exempt Certain Personal Reps (H J4 Com) ..... 370, 621, 637, 643, 652.
S 463 Job Training Partnership Act Commission
(Rules Com) ..... 370.
S 464 Job Training Partnership Act
(H Rules Com) ..... 370, 691, 712.
S 465 Inventory Tax Const Amend (Fin Com) ..... 370.
S 466 Repeal Buncombe Dairy Herd Laws (Ch. 434) ..... 370, 419, 430, 548.
S 467 Agents' Educational Requirements (H Ins Com) ..... 370, 562, 583.
S 468 Requesting Adjustment of Bird Hunting Season
(Res. 32) ..... 377, 428, 438, 633.

S 469 Modernize Forgery Law (Ch. 397) ..... 377, 393, 402, 468.
S 470 Corneal Tissue Removal (H Health Com) ..... 377, 482, 490, 574.
S 471 Workers' Comp — Apportionment (Mfg, L & C Com) ..... 377.
S 472 Full Benefits — Pre 1973 Retiree (Ch. 902) ..... 381, 537, 546, 886.
S 473 Shopping Cart Theft (Ch. 705) ..... 381, 411, 424, 716, 751, 764.
S 474 Employee Hospital Com (Ch. 452) ..... 381, 428, 438, 553.
S 475 Ins — Proof of Death Forms (Ch. 749) ..... 481, 544, 797, 804, 809.
S 476 Town Creek Indian Mound Funds (Appr Com/see S 313–Ch 923) .... 385.
S 477 Watchmakers Regulated (Fin Com) ..... 385.
S 478 Firemen's Retirement Fund (H Pensions Com) ..... 385, 648, 660.
S 479 Clarify Insurance (H 1015)
(Ch. 668) ..... 385, 453, 461, 591, 690, 702, 713.
S 480 Memorializing Claude H. Farrell, Jr. (Res. 17) ..... 389, 397, 939.
S 481 Utilities Commission Qualifications (H Util Com) ..... 389, 612, 632.
S 482 Appr — Statewide Lottery (Appr Com) ..... 394.
S 483 Security Interests in Farm Products (J I Com) ..... 394.
S 484 NCSU Agriculture Program Funds (H 1046)
(Appr Com) ..... 394.
S 485 UNC Tuition Increase (reref Appr Com) ..... 394, 452.
S 486 Gaston Regional Detention Facility (Appr Com) ..... 400.
S 487 Museum of the Albemarle Funding (Appr Com/see S 313–Ch 923) ... 400.
S 488 Increase Ret. Formula to 1.60% (reref Appr Com) ..... 400, 648.
S 489 Class A Inheritance Tax Credit (Fin Com) ..... 400.
S 490 Employees Contributions Deductible
(Ch. 706) ..... 400, 501, 580, 593, 774.
S 491 Peanut Research Funds (Appr Com) ..... 400.
S 492 Unused Sick Leave (H 1074)
(reref Appr Com) ..... 405, 648.
S 493 Metrology Lab Funds (Appr Com) ..... 405.
S 494 Grain Sale Tickets (Ch. 482) ..... 406, 453, 461, 579.
S 495 Notice of Prisoner Transfers
(Ch. 874) ..... 406, 537, 553, 566, 847, 880.
S 496 DA's Dismissal Authority
(reref Appr Com/see H 1142–Ch 905) ..... 406, 420, 430, 811.
S 497 Louisburg Property Conveyance (Ch. 342) ..... 414, 445.
S 498 Approp — Agric. Dept. Building Repair (Appr Com) ..... 414.
S 499 Gaston County Museum Funds (H 1084)
(Appr Com/see S 313–Ch 923) ..... 414.
S 500 Farris Park Funds (Appr Com/see S 313–Ch 923) ..... 421.
S 501 Atty. Fee Limit/Work Compensation Cases
(J I Com) ..... 421.
S 502 Speed Signs Posted Conspicuously (J I Com) ..... 421.
S 503 Setting Execution Date
(Calendared 6-84) ..... 421, 715, 762, 781, 804.
S 504 Felony Venue/Two-County Cities
(Ch. 727) ..... 421, 453, 461, 716, 760, 771, 783.
S 505 Clerk May Enter Divorce Judgment (J III) ..... 421.
S 506 Strengthen Party Role (H 1079) (Ch. 700) ..... 421, 637, 643, 752.
S 507 Textbook Bid Opening/Book Fees (Ch. 549) ..... 421, 464, 474, 626.
S 508 Trust Fund Investment Amendments
(Ch. 702) ..... 422, 487, 539, 544, 572, 583, 710, 751, 764.
S 509 Title Insurance Rate Filings (Ins Com) ..... 422.

S 510 Child Abuse Assessments (H 1128)
(Appr Com/see S 23–Ch 761) ..... 422.
S 511 Fish Resource Proclamation Review (Ch. 619) ..... 422, 487, 545, 671.
S 512 Witchweed Quarantine Funds (Appr Com) ..... 422.
S 513 Sheriff 's Training Standards (H 1107)
(Ch. 558) ..... 422, 537, 546, 553, 614, 624, 634.
S 514 Child Support Garnishment
(H Rules Com) ..... 422, 708, 718, 767, 781, 784, 791.
S 515 Payroll Deduction — Teacher Dues
(H 1039) (reref Appr Com) ..... 423, 435, 570.
S 516 School Personnel Comm. Advise Leg. (H Ed Com) ..... 428, 464, 474.
S 517 Employee/Retiree Increases (H 1101) (reref Appr Com) ..... 428, 690.
S 518 Medical Cost Containment Commission (Ch. 875) ..... 435, 488, 847, 881.
S 519 Ins. Rate Filing Clarification
(H Rules Com) ..... 436, 453, 461, 479, 485, 795, 819.
S 520 Limit School Administrative Funds (reref Appr Com) ..... 436, 446.
S 521 Historic Halifax (H 1220) (Appr Com/see S 313-Ch. 923) ..... 436.
S 522 Teacher Incentive Loans (Appr Com) ..... 436.
S 523 Population for County D.H.R. (Hum Res Com) ..... 436.
S 524 Workers' Compensation Death Benefits
(Ch. 772) ..... 436, 621, 632, 637, 807, 824, 827.
S 525 Reopen Areas Closed for Pollution (Ch. 620) ..... 436, 487, 545, 671.
S 526 Approp. — Trent River R.R. Bridge (Appr Com) ..... 436.
S 527 Vocational Educ. Equipment Funds (Appr Com) ..... 436.
S 528 Sweet Potato Research Funds (Appr Com) ..... 436.
S 529 Limit Treble Damages (J III Com) ..... 447.
S 530 Special Process Servers (unf rpt) ..... 447, 759.
S 531 Ports Authority Meets Every 90 Days (St Gov Com) ..... 454.
S 532 Registers of Deeds Retirement (reref Appr Com) ..... 454, 691.
S 533 Safe Driver Insurance Plan (H 56–Ch 763)
(H ppi) ..... 459, 481, 491.
S 534 New Technology Jobs Bill (H 1122)
(reref Appr Com/see H 1142–Ch. 905) ..... 459, 573.
S 535 Drivers License Points/Interstate (Ins Com) ..... 459.
S 536 Bingo & Raffle Law Revised (reref Fin Com) ..... 459, 657.
S 537 Pensions in Equitable Distribution (H 1129–Ch 758)
(H ppi) ..... 459, 682, 691, 699.
S 538 Compensatory Time Study Created (recom Ins Com) ..... 465, 481, 491.
S 539 Wildlife Fund Gets Sales Tax Funds (Appr Com) ..... 471.
S 540 Initiative on Taxes & Fees (J II/Const Amd Com) ..... 471.
S 541 Rollins Animal Disease Diagnostic Lab Funds
(Appr Com) ..... 471.
S 542 Nat'l Guard Training Center/Asheville Funds (Appr Com) ..... 471.
S 543 Architects/Engineers Regulated
(H reref J 4 Com) ..... 471, 657, 677, 685.
S 544 Wage & Hour Laws/Religious Exemptions
(Ch. 708) ..... 471, 571, 583, 593, 750, 762, 774.
S 545 Electrical Contracting Defined (Mfg, L & C Com) ..... 471.
S 546 LRC — Study School Transportation Program (H 1180)
(reref Appr Com) ..... 472, 563.
S 547 Administration of School Bus System
(H 1162) (Ch. 630) ..... 472, 621, 632, 638, 659, 669, 679.

S 548 Thomas Wolfe Center Funds (H 1103)
(Appr Com/see S 313–Ch 923) ..... 472.
S 549 Child Support Due (J II Com) ..... 472.
S 550 Women on Law Enf. Standards Commission
(Ch. 618) ..... 472, 556, 566, 651, 661, 672.
S 551 Lincoln Highway Patrol Funds
(H 1159) (Appr Com/see S 313-Ch. 923) ..... 472.
S 552 State Adult Day-Care Funds
(Ch. 876/see S 313–Ch 923) ..... 472, 848, 881.
S 553 Registered Counselors
(Ch. 755) ..... 477, 555, 560, 575, 779, 787, 805, 809.
S 554 Radar Act Funds (H 1164) (Ch. 877) ..... 489, 848, 881.
S 555 Geologists Licensing Act (H Rules Com) ..... 489, 799, 822.
S 556 Payments to Subcontractors
(Ch. 804) ..... 489, 689, 712, 762, 766, 840.
S 557 Robeson Prerelease Center Funds
(Appr Com/see S 313–Ch 923) ..... 490.
S 558 Sales Tax on Newspaper Ads (Fin Com) ..... 490.
S 559 Roanoke Island Center (Appr Com/see S 313–Ch 923) ..... 490.
S 560 Durham Arts Center Funds (Appr Com/see S 313–Ch 923) ..... 490.
S 561 Charlotte Hawkins Brown Site Funds
(Appr Com/see S 313–Ch 923) ..... 490.
S 562 Memorializing Fate James Beal (Res. 34) ..... 538, 563, 575, 645.
S 563 Memorializing Marion D. Thorpe (H 1184–Res 38)
(ppi) ..... 538, 563, 575, 624, 679.
S 564 Judges' Retirement Change (H 1183)
(reref Appr Com/see S 23–Ch 761) ..... 538, 612.
S 565 Henry St. Bridge/Stoneville (Ch. 524) ..... 538, 561, 575, 609.
S 566 5% Gasohol Tax Exemption
(Ch. 591) ..... 538, 561, 575, 583, 651, 663.
S 567 Vocational Ed. Law Clarification
(Ch. 750) ..... 538, 621, 632, 638, 809.
S 568 Funds for Access Guide for Disabled (H 1225)
(Appr Com/see S 23–Ch 761) ..... 543.
S 569 Statutory Liens & Trusts (Ch. 888) ..... 543, 787, 804, 881.
S 570 Disability Review Com. (H 1224) (Ch. 880) ..... 543, 561, 848, 881.
S 571 Children with Special Needs Defined (reref Appr Com) ..... 543, 562.
S 572 Oregon Inlet Channel Opened (H 1211–Res 48)
(H Rules Com) ..... 550, 613, 624.
S 573 Default Bonds 3-Year Limit (J I Com) ..... 550, 699, 712, 751.
S 574 Index Income Tax Rates (Fin Com) ..... 550.
S 575 Approp — NC International Folk Festival
(Appr Com/see S 313–Ch 923) ..... 550.
S 576 No Sales Tax on Newspapers (Fin Com) ..... 550.
S 577 Limited Partnership Debt (H 1221)
(unf rpt) ..... 550, 810.
S 578 Homeowners' Ins. Rate Regulation (Ins Com) ..... 550.
S 579 Shellfish Lease Amendments (Ch. 621) ..... 550, 612, 624, 672.
S 580 Dogs Allowed in Hotels (H 1212) (N & ER & Wildlife Com) ..... 556.
S 581 Auto Insurance Amendments (unf rpt) ..... 557, 690.
S 582 Compensation for an Auto Accident (Appr Com) ..... 557.
S 583 Minority/Women Business Enterprise (Appr Com) ..... 557.

S 584 400th Anniv. — Roanoke Voyages Appts.
(H 1210) (Res. 35) ..... 564, 613, 624, 663.
S 585 Community Support Services/Disabled Persons
(Res. 43) ..... 564, 647, 661, 750, 762, 774.
S 586 Memorializing Lee Burrus Nichols
(Res. 36) ..... 564, 613, 624, 679.
S 587 Firearm Discharge on ABC Premises
(H Rules Com) ..... 564, 602, 617, 640, 661, 677.
S 588 Registered Volunteer Program (reref Appr Com) ..... 564, 613, 828, 854.
S 589 U.S. Surveillance/Drug Law Enforcement
(H Rules Com) ..... 565, 613, 624.
S 590 Cert. of Need/Certain Nursing Home Fac.
(reref Appr Com) ..... 573, 611.
S 591 LRC — Study Segregation of Inmates by Age
(Rules Com) ..... 573.
S 592 Incentive for Teacher Education (H 1217)
(Appr Com) ..... 573.
S 593 Alcoholic Beverage to Carry Warning
(reref Appr Com) ..... 573, 692, 712.
S 594 Kenly Development Funds (Appr Com/see S 313–Ch 923) ..... 573.
S 595 Domiciliary Home Peer Review (H 1028)
(Hum Res Com) ..... 573.
S 596 Restrict Alien Land Purchases (H 1247)
(Agric Com) ..... 581.
S 597 Regional Arts Funds (H 1259)
(Appr Com/see S 313–Ch 923) ..... 581.
S 598 Barbering Law Amendments (J II Com) ..... 581.
S 599 Community Water System Use Tanks
(Ch. 654) ..... 581, 613, 624, 684, 695, 705.
S 600 Cultural Res. Eastern Off. Funds
(Appr Com/see S 313–Ch 923) ..... 581.
S 601 Signal 25 Communicators Funds (Ch. 879) ..... 581, 848, 881.
S 602 Payroll Ded. For Day-Glo Uniforms (Ch. 680) ..... 581, 650, 661, 720.
S 603 School Entry Age (Ch. 656) ..... 582, 621, 632, 638, 713.
S 604 Hampton Mariner's Museum Funds (Appr Com) ..... 582.
S 605 Neuse River Basin Water Quality (Ch. 924) ..... 582, 893, 901, 907.
S 606 Certain Appointment Date Changes (H 1254)
(ppi) ..... 582, 649, 656, 661, 677.
S 607 Equal Treatment for Reservist
(Ch. 675) ..... 590, 640, 653, 661, 713.
S 608 Validate Maps & Plats
(Ch. 756) ..... 590, 628, 638, 791, 806, 809.
S 609 Self-Reliance Program (reref Appr Com) ..... 590, 748.
S 610 Historic District Exempt for Higher Education
(H Ed Com) ..... 590.
S 611 Approp. — Pasquotank Deputy Ct. Clerk (Appr Com) ..... 590.
S 612 Autistic Adult Group Home (Appr Com/see S 313–Ch 923) ..... 590.
S 613 Use of Funds/Job Training Partnership Act
(H Rules Com) ..... 590, 767, 781.
S 614 Focus Federal Job Training Funds (Appr Com) ..... 590.
S 615 Employee Assistance Program Funds (Appr Com) ..... 604.
S 616 Approp. Randolph Forest Hq. (Appr Com) ..... 604.

S 617 A. G.'s Office — New Employees (H 1298)
(Appr Com/see S 23–Ch 761) ..... 604.
S 618 Eden Local Gov't Retirement
(Ch. 723) ..... 604, 612, 625, 761, 771, 783.
S 619 HiWay Width for Tandem Trucks (W & M/Transp Com) ..... 614.
S 620 LRC — Study Need/Development of Biotechnology (H 1282)
(reref Appr Com/see H 1142–Ch 905) ..... 614, 648.
S 621 Auctioneers Licensing Board
(Ch. 751) ..... 605, 649, 661, 770, 781, 789, 796, 798, 808.
S 622 LRC — Study Security Interest in Farm Products
(Res. 53) ..... 614, 715, 723, 893, 901.
S 623 Establish Legislative Retirement System
(reref Appr Com/see S 23–Ch 761) ..... 614, 648.
S 624 Agriculture/Forest/Seafood Awareness Study (H 1169)
(Rules Com) ..... 614.
S 625 Prohibit Minors Below Ten Years in Taverns
(unfav rpt) ..... 614, 658.
S 626 Poultry/Livestock Equip Sales Tax
(Ch. 805) ..... 622, 666, 677, 686, 840.
S 627 Loc. Gov Retirement Systems Study
(reref Appr Com) ..... 622, 667.
S 628 Pres. Primary Nom. Date (Ch. 729) ..... 614, 649, 661, 793.
S 629 No Fee for C.A.P. Plates (H 1203)
(reref Fin Com) ..... 622, 702.
S 630 Education Policy Council Created (H 1307)
(reref Appr Com) ..... 629, 699, 719.
S 631 New Punishments for Crime (H 389)
(H Rules Com) ..... 629, 758, 781, 791.
S 632 ACCEPT Fund (Appr Com/see S 313–Ch 923) ..... 636.
S 633 Juvenile Admission Laws (Ch. 889) ..... 636, 748, 762, 881.
S 634 Foreclosure Hearings Cont. (H Rules Com) ..... 650, 682, 695.
S 635 Privileged Communication Amd. (J II Com) ..... 650.
S 636 Repeal Cetain DOT Statutes (Ch. 684) ..... 650, 658, 670, 720.
S 637 Funds for Autistic Adults (Appr Com/see S 23–Ch 761) ..... 659.
S 638 D.H.R. Tech. Amend (Ch. 806) ..... 659, 690, 702, 840.
S 639 Insurance Policies/Marital Counseling (Hum Res Com) ..... 659.
S 640 License Locksmiths (reref J III Com) ..... 668, 767, 781, 792.
S 641 Third-Degree Kidnapping (J II Com) ..... 668.
S 642 Criminal Justice Comm'n. Membership
(Ch. 807) ..... 675, 691, 702, 712, 840.
S 643 LRC — Study Attorney for Indigents Prog.
(reref Appr Com/see H 1142–Ch 905) ..... 675, 691.
S 644 Court. Ordered Comm. Serv/Workers Comp.
(H Rules Com) ..... 675, 800, 823.
S 645 Poison Control Center Funds
(reref Appr Com/see S 23-Ch 761) ..... 684, 699.
S 646 Study Financing of Com. Colleges (reref Appr Com) ..... 693, 699.
S 647 Private Tax Lien Sale Abolished (Ch. 808) ..... 693, 709, 719, 840.
S 648 Public Sale Exemption (failed 2nd rdg) ..... 693, 748, 762.
S 649 Extended Budget — 1983 (Ch. 655) ..... 684, 694, 705.
S 650 Clerk of Sup. Ct on Crime Comm.
(H Rules Com) ..... 693, 700, 713.

S 651 DOA/Buildings (H Rules Com)..... 693, 766, 893, 899, 900.
S 652 Tribal Econ. Dev. Project (Appr Com/see S 313–Ch 923)..... 700.
S 653 LRC — Study Pollution Prevention PAYS
(Res. 54)..... 700, 709, 894, 901.
S 654 LRC — Study Fin. Institutions of Higher Ed
(reref Appr Com)..... 710, 760.
S 655 UNC Board of Governors/Nomination–Election (Res. 39)... 693, 713, 721.
S 656 LRC — Study Public Health Facility Laws
(reref Appr Com/see H 1142–Ch 905)..... 710, 748.
S 657 LRC — Study Life Care Arrangements
(reref Appr Com/see H 1142–Ch 905)..... 710, 748.
S 658 Motor Club Sales Agents (H 1403–Ch 802)
(H Rules Com)..... 710, 768, 781.
S 659 Study — Fiscal Planning/Accountability (reref Appr Com)..... 710, 768.
S 660 Assaults on Parole Commissioners
(Sp W & M Com)..... 760.
S 661 LRC — Study Problem of Worthless Checks
(Appr Com/see H 1142–Ch 905)..... 760.
S 662 Sanitary District Assessments
(Ch. 925)..... 761, 811, 822, 829, 901, 907.
S 663 Condemn. Power Water/Sewer Districts (H 1414)
(Ch. 735)..... 749, 762, 772, 794.
S 664 Limitation of Nonuniform School Days (Sp W & M Com)..... 761.
S 665 Tax on Production of Oil & Gas (Fin Com)..... 770.
S 666 Extend Gasohol Tax Exemption (Ch. 760)..... 761, 767, 809.
S 667 Credit Union Retirement Option (H 1382)
(Pen & Ret Com)..... 770.
S 668 Approp. Pitt Community College (H 1462)
(Appr Com)..... 770.
S 669 NonProfit Org. Alt. to — E.S.C. (H Rules)..... 778, 787, 804.
S 670 LRC — Study Solar Law
(reref Appr Com/see H 1142–Ch 905)..... 789, 796.
S 671 Carteret Car Purchases/State Surplus
(Ch. 736)..... 779, 794.
S 672 Mountain Youth Resources Fund
(App Com/see S 313–Ch 923)..... 789.
S 673 Approp. — Johnston Tech. Inst. (Appr Com)..... 789.
S 674 Sampson Tech College Funds (Appr Com/see S 313–Ch 923)..... 790.
S 675 LRC — Study Child Support
(reref Appr Com/see H 1142–Ch 905)..... 790, 796.
S 676 Livestock Security Interest
(recom Sp W & M Com)..... 790, 796, 822, 832, 845.
S 677 Rockingham School Land Funds
(Appr Com/see S 313–Ch 923)..... 790.
S 678 School for Deaf Equip. Funds
(Appro Com/see S 313–Ch 923)..... 790.
S 679 Animal Diag. Center Funds (Appr Com)..... 790.
S 680 LRC — Study Mech/Laborers/Matmn
(Appr Com/see H 1142–Ch 905)..... 797.
S 681 Bail Bond Forfeitures Amdt. (H Rules Com)..... 797, 811, 832.
S 682 No Beer or Wine on School Prop.
(Ch. 917)..... 797, 811, 832, 897, 898.

S 683 Orange Industries Funds (Appr Com/see S 313–Ch 923)..... 814.
S 684 Underdeveloped Land Annexation (Sp W & M Com) ..... 814.
S 685 Farm Product Transport. (Ch. 890) .....814, 820, 833, 881.
S 686 Union Station Funds (H 1450)
(Appr Com/see S 313-Ch. 923)..... 814.
S 687 Tater Hole Boat Ramp
(Appr Com/see S 313–Ch 923) ..... 814.
S 688 Funds — 28 Yrs. Full Retirement (Ch. 878) ..... 807, 848, 881.
S 689 Hum Res — Study Hazardous Waste (H Rules Com)..... 807.
S 690 Memorializing Patricia Benton
(Res. 47).....814, 827.
S 691 State Land Title Presumption (Sp W & M Com) ..... 807.
S 692 Unappropriated Funds to Public Schools
(Appr Com)..... 815.
S 693 Adjournment to Reconvene 1984
(Res. 55).....815, 833, 901, 903, 907, 908, 909.
S 694 Gubernatorial Succession Repealed (Sp W & M Com)..... 829.
S 695 Voc. Ed. Handicapped Funds (Appr Com)..... 842.
S 696 Martin County Players' Funds (Appr Com/see S 313–Ch 923)..... 842.
S 697 Highway Patrol Badges (failed 3rd rdg) ..... 842, 894, 899.
S 698 Senate Pro Tempore Appointments (Ch. 903) .....861, 886.
S 699 President of Senate Appointments (Ch. 911) .....862, 898.
S 700 LRC — Review Budgetary Policy of State (Appr Com)..... 870.
S 701 Hazardous Waste Study Comn. (Ch. 926).....870, 894, 901, 907.

NUMERICAL INDEX

HOUSE

The identical bill number, when applicable, and the final action on the measure are noted following the title. When ratified, the Chapter Number of the Session Laws is reflected.

BILLS/RESOLUTIONS — Page Nos.

H 3 Martin Luther King Holiday (Ch. 1) ..... 27, 29.
H 4 Wilson Commissioners Election (Ch. 2) ..... 27, 29.
H 5 Savings and Loan Tax Collection (Ch. 26) ..... 40, 76, 88, 94.
H 6 Bulk Mailings by Revenue Dept. (Ch. 7) ..... 48, 64, 68, 72.
H 7 1982–83 Intangible Tax Distrib. (Ch. 27) ..... 44, 77, 88, 94.
H 8 Retail Variety Store License Tax (Ch. 38) ..... 44, 77, 88, 93, 104.
H 9 Sales Tax on Medical Equipment (Fin. Com.) ..... 669.
H 14 Legislators' Tax Deduction (Ch. 155) ..... 109, 244, 256, 263.
H 15 Haywood Hospital Sales Tax Refund (reref W&M Com) ..... 44, 164.
H 17 Income/Franchise Tax Exemptions (Ch. 28) ..... 40, 77, 88, 94.
H 18 Fuel Distributor/Supplier Bond (Ch. 220) ..... 161, 272, 300, 324.
H 19 Motor Vehicle Lessor May Pay Tax (Ch. 29) ..... 40, 77, 88, 94.
H 20 Unrelated Income of Exempt Corp. (Ch. 31) ..... 58, 77, 89, 93, 98.
H 21 Resisting Unlawful Arrest Defense (Ch. 762) .... 429, 787, 804, 819, 827.
H 23 Orange County Parcel Index (Ch. 3) ..... 46, 49.
H 24 Parcel Identifier Index Dates (Ch. 49) ..... 44, 107, 113, 117.
H 25 Expand Adv. Budget Comn. (Ch. 48) ..... 87, 108, 113, 117.
H 26 Legislative Food Service (Ch. 8) ..... 54, 65, 68, 72.
H 28 No Gift Tax on Certain Gifts (Ch. 685) ..... 569, 708, 719, 752.
H 29 Moore County Board of Ed. Vacancy (Ch. 16) ..... 49, 75, 79, 82.
H 31 Nursing Board to Set Educ. Standards (Ch. 73) ..... 150, 161, 166, 171.
H 33 District Court Judge in 27A (Ch. 881) ..... 856, 881.
H 34 State Publications to Colleges (Ch. 842) ..... 856, 870.
H 35 Repeal Obsolete Statutes (Vagrancy) (Ch. 17) ..... 67, 74, 79, 82.
H 36 Repeal Obsolete Statutes (Disturbances) (Ch. 39) ..... 84, 95, 101, 104.
H 37 Repeal Obsolete Statutes (Confinements) (Ch. 631) .... 543, 640, 653, 687.
H 38 Criminal Statutes/Landlords & Tenants (Ch. 623) ..... 477, 628, 643, 679.
H 43 Gov. Adv. Council on Aging Changes (Ch. 40) ..... 67, 91, 97, 106.
H 47 Use of School Buses by Sr. Citizens (St Gov/Sr Cit Com) ..... 884.
H 52 REACT Charitable Deduction (Ch. 303) ..... 85, 388, 397, 403.
H 53 Separation of Powers Recommendations (Ch. 717) ..... 329, 589, 615, 642, 680, 755, 768, 783.
H 54 Governor Invited to Speak (Crime) (Res. 2) ..... 37, 38, 40, 41, 930.
H 55 Orange Absentee Voting (Ch. 192) ..... 119, 274, 292, 301.
H 56 Safe Driver Insurance Plan (S 533) (Ch. 763) ..... 690, 702, 711, 718, 751, 778, 785, 789, 801, 827.
H 57 Product Liability Reports (Ch. 141) ..... 100, 230, 242, 251.
H 58 Health Ins. Conversion Policies (Ch. 669) ..... 465, 481, 545, 713.
H 59 Health Insurance Continuation (Ch. 142) ..... 165, 230, 242, 251.
H 60 Underinsured Motorists (Ch. 777) ..... 557, 800, 823, 840.
H 61 Insurance Technical Amendments (Ch. 416) ..... 465, 481, 491, 541.
H 64 Winston-Salem Auto Tax (Ch. 9) ..... 58, 64, 68, 71, 74.
H 65 Clinical Lab Name Change (Ch. 18) ..... 59, 65, 79, 82.

H 66 Testimony By Spouses (Ch. 170) ..... 187, 240, 249, 257, 279.
H 67 Carrying Concealed Weapons (Ch. 86) ..... 116, 149, 156, 159, 166, 183.
H 68 Spotlighting Limited — Iredell Co. (S 28) (Ch. 137) .... 67, 192, 205, 233.
H 72 Raeford Firemen's Fund Use (Ch. 496) ..... 543, 572, 583, 594.
H 76 Kannapolis Firemen's Fund (Ch. 497) ..... 551, 572, 583, 594.
H 78 Charlotte/Mecklenburg School Vacancy (Ch. 56) ..... 116, 140, 146, 153.
H 79 Landfill Reg. & Detoxification (Ch. 605) ..... 622, 647, 661, 672.
H 81 Valdese Acquisition & Disp. Proced. (Ch. 19) ..... 61, 75, 79, 82.
H 82 Some Fire Depts Out of NCOSHA (S 88) (Ch. 164).... 155, 253, 267, 271.
H 83 Asst. Fire Marshals — Red Lights/Sirens (S 86) (Ch. 32) .. 73, 87, 93, 98.
H 84 Brunswick Superior Court (Ch. 20) ..... 61, 76, 82.
H 85 Lenoir County Hunting Restrictions (Ch. 41) ..... 75, 108, 114.
H 86 Corp. May Deduct Reduced Basis (Ch. 61) ..... 56, 143, 152, 156.
H 89 Income in Respect of Decedent (Fin Com) ..... 59.
H 92 Newton–Conover School Pay Day (Loc Gov Com) ..... 174.
H 93 Winston-Salem Assessments (Ch. 10) ..... 59, 64, 68, 71, 74.
H 94 Notary Acts Validated (unf rpt) ..... 67, 87.
H 95 Hoke Ambulance (Ch. 42) ..... 85, 106, 110, 114.
H 96 Simplify Evidence Laws (S 43)
(Ch. 701) ..... 538, 629, 643, 653, 670, 676, 764.
H 97 Rocky Mt. Supp. Firemen Fund (Ch. 498) ..... 543, 572, 584, 594.
H 98 Memorializing Raymond M. Wheeler, M.D. (Res. 4) .... 86, 143, 152, 157.
H 99 Forsyth Pistol Permit Fee (Ch. 101) ..... 141, 183, 189, 194, 202.
H 101 Day-Care Staff Age (Ch. 62) ..... 103, 107, 137, 157.
H 102 Clarify Day-Care "Facility" (Ch. 46) ..... 67, 90, 97, 104, 106, 117.
H 103 Forsyth Fireworks Permits (Ch. 21) ..... 59, 75, 79, 82.
H 105 Memorializing Wade Barber (Res. 3) ..... 87, 89, 94.
H 107 Nonparents Visitation Rights (J III Com) ..... 565.
H 109 Arrowhead Beach Bird Sanctuary
(Ch. 110) ..... 73, 108, 113, 158, 184, 198, 210.
H 110 New Licensing Bills/Review
(H Rules Com) ..... 591, 658, 677, 686, 695, 708, 719, 849.
H 111 Property-Hauling Vehicles — No Annual Fees
(Ch. 43) ..... 86, 99, 106, 110, 114.
H 112 Whiteville School Board (Ch. 4) ..... 52.
H 114 Pardee Memorial Hospital Sales Tax Refund (reref W&M Com) .. 61, 164.
H 115 Child Residential Care Licensing (Ch. 637) ..... 478, 647, 662, 697.
H 116 Appoint Traffic Control Officers
(Ch. 483) ..... 96, 182, 189, 212, 228, 362, 386, 396, 416, 430, 461, 467, 586.
H 118 Single Portal of Entry
(Ch. 383) ..... 174, 185, 195, 201, 362, 375, 383, 390, 463.
H 119 Mandatory Susp. of Driver's License (Ch. 77) ..... 87, 149, 156, 160, 177.
H 120 Motor Vehicle Sale To Satisfy Liens (Ch. 44) ..... 86, 106, 110, 114.
H 121 Mandatory Rev. of License (Ch. 87) ..... 109, 173, 180, 183.
H 122 Seizure and Disposal of Motor Vehicles
(Ch. 592) ..... 551, 635, 643, 653, 664.
H 123 Lapse in Car Insurance
(reref Appr Com/see S 23–Ch 761) ..... 150, 230, 561, 584.
H 124 Involuntary Outpatient Commitment
(Ch. 638) ..... 400, 580, 606, 668, 673, 681, 697.
H 125 Chapel Hill/Carrboro Teacher Payday (Ch. 112) ..... 174, 208, 216, 222.

H 126 Sheriff Term of Office/Cleveland Co. (Ch. 45) ..... 70, 106, 111, 114.
H 128 Tags by Mail/One Day Title (Ch. 50) ..... 78, 107, 114, 117, 137.
H 129 Driver's License Cancellation (Ch. 545) ..... 112, 488, 546, 558, 626.
H 130 Sacramental Wine Sales (Ch. 792) ..... 716, 835, 836, 840.
H 135 Licensing/Psychologists (Ch. 37) ..... 81, 91, 97, 101.
H 136 Private Protective Services Fees (Ch. 67) ..... 87, 143, 152, 156, 160.
H 137 License Tags Nonprofit Agencies (Ch. 593) ..... 465, 636, 643, 653, 664.
H 138 Greenville Univ. Comm — Set Salaries (Loc Gov Com) ..... 70.
H 141 Alimony/Education Considered (recom J II Com) ..... 119, 169, 176.
H 142 Marital Reconciliation Defined (tabled) ..... 145, 168, 182, 189, 393, 402, 430, 455.
H 143 Clarify Day-Care "Plan" (Ch. 297) ..... 209, 372, 387, 912.
H 144 Day-Care Worker Prohibitions (Ch. 277) ..... 318, 373, 379, 912.
H 145 Tyrrell/Washington Boundary (Ch. 11) ..... 65, 68, 71, 74.
H 146 Age Clarification for Crimes (Ch. 175) ..... 227, 269, 277, 293.
H 147 Semiannual Hospital Sales Tax Refund (Ch. 594) .. 73, 164, 635, 651, 664.
H 148 Highway Condemnation Int. Rate (Ch. 812) ..... 73, 106, 845, 855.
H 151 Public Accountants Amendments (Ch. 185) ... 103, 182, 244, 257, 262, 293.
H 152 Transfer of Prisoners (Ch. 165) ..... 112, 241, 249, 271.
H 154 Assaults on Judges (Conf Com) ..... 96, 105, 111, 114, 139.
H 155 Bear Hunting/Bait Prohibited (N & ER & Wildlife Com) ..... 170.
H 156 Health Insurance/Licensing Boards (Ch. 499) ..... 193, 572, 584, 594.
H 157 Certification of Election (Ch. 329) ..... 319, 419, 430, 445.
H 160 Building Code Officials Extended (Ch. 90) ..... 97, 185, 189, 196.
H 163 Architect License (S 82) (Ch. 47) ..... 81, 108, 114, 117.
H 164 Neural Tube Defect/Screening (Ch. 843) ..... 856, 870.
H 165 Legis. Research Commission Terms (Ch. 63) ..... 86, 144, 152, 157.
H 166 Workers' Comp. Rate Deviations Allowed (Ch. 162) ... 170, 253, 262, 267.
H 167 Speed Zones Within Municipality (Ch. 131) ..... 165, 219, 228, 233.
H 168 Ridesharing & Commuter Parking (Ch. 102) ..... 86, 186, 195, 202.
H 176 Lillington Auto Tax — $5.00 (Fin Com) ..... 162.
H 177 Innocent Victim's Compensation (Ch. 832) ..... 335, 411, 689, 849, 870.
H 178 Misdemeanor Embezzlement Offense Created (J II Com) ..... 406.
H 181 Norwood Police Jurisdiction (Ch. 91) ..... 119, 183, 189, 196.
H 186 Child Support Nonrecipient Services (Ch. 527) ..... 348, 464, 474, 480, 485, 561, 575, 619.
H 187 Print. Materials Sales Tax Exempt (Ch. 156) ..... 100, 244, 257, 263.
H 190 Various Towns Auto Tax — $5.00 (Ch. 106) ... 88, 143, 166, 176, 180, 206.
H 192 Clarify Aggravating Factor (Ch. 70) ..... 112, 149, 156, 160, 163.
H 193 Separation of Powers/Bonds (Ch. 577) ..... 378, 602, 616, 642, 655.
H 194 Special Conservation Officers Powers (Ch. 484) ..... 329, 487, 546, 586.
H 195 Dept. of Correction/Rules (Ch. 147) ..... 100, 241, 249, 258.
H 196 Certificate of Title (Ch. 252) ..... 100, 341, 350, 356.
H 197 Motor Vehicles — Rear Light Colors (Ch. 245) ..... 109, 280, 300, 345.
H 198 Nonres. Military Deps. — No NC License (Ch. 436) ..... 103, 399, 416, 456, 536, 548, 553.
H 199 Odometer Statement on Title (Ch. 387) ..... 155, 399, 416, 468.
H 200 Motor Vehicles — Exhaust Systems (Ch. 132) ..... 158, 219, 228, 233.
H 201 Majority Vote for Fire District (Ch. 388) ..... 248, 419, 431, 438, 468.
H 202 Tax Official Training (Appraisal) (Ch. 813) ..... 582, 811, 833, 845, 855.
H 203 Protest/Appeal of Property Tax (Fin Com) ..... 591.
H 204 Machinery Act Amendments (Fin Com) ..... 636.
H 206 Listing of Time-Shared Property (Ch. 785) ..... 630, 811, 833, 840.

H 209 Tow Dollies Exempt (Ch. 288).....119, 186, 195, 341, 350, 356, 384.
H 210 M. V. Equipment Approval Fee (Ch. 223)..... 162, 273, 300, 305, 332.
H 211 Nursing Home Administrator Act (Ch. 72).....119, 143, 152, 167.
H 212 Board of Mortuary Science (Ch. 69)..... 97, 108, 137, 142, 160.
H 213 Osteopathic Examiners Board (Ch. 107)..... 141, 185, 195, 201, 206.
H 214 Residential Child Care (unf rpt).....103, 852.
H 215 Maternity Care Homes (unf rpt).....103, 108, 115, 852.
H 217 Windsor Auto Tag Tax — $2.00 (Ch. 75)..... 100, 143, 152, 156, 171.
H 219 Wake Deputies May Buy Guns (Ch. 343).....382, 411, 439, 449.
H 221 Blanket permits Under CAMA (Ch. 171)..... 187, 245, 257, 271, 279.
H 222 Civil Penalties under CAMA (Ch. 485).....282, 562, 575, 587.
H 223 CAMA Permit Fees (Ch. 307).....287, 333, 388, 397, 402, 409.
H 224 Coastal Committee Membership (Ch. 486).....270, 562, 576, 587.
H 225 Modify Coastal Council Membership (Ch. 249).....232, 333, 344, 351.
H 226 CAMA Permits for Loc. Gov. (Ch. 399).....312, 458, 467, 475.
H 228 Appeals Under CAMA (Ch. 400)..... 305, 340, 459, 467, 476.
H 229 Decrease CAMA Permit Time (Ch. 172)..... 187, 245, 257, 271, 279.
H 230 Tax Credit for Donating Land (Ch. 793).....574, 799, 823, 840.
H 231 Emergency Permits Under CAMA (Ch. 173)..... 188, 245, 257, 271, 279.
H 233 Administrative Magistrate
(recom J III/Law Enf & CJ Com).....188, 241, 249, 255.
H 235 Jurisdiction for Privilege Ruling (Ch. 410).....109, 427, 455, 493.
H 236 Defer Pregnant Defendant's Jailing (Ch. 389).....319, 418, 439, 468.
H 237 Rescue Squad Pension Purchase (Ch. 500).....551, 572, 584, 594.
H 239 Federal Aid Highway Billboards (Ch. 318).....158, 399, 408, 417.
H 243 Richmond School Bd Election (Ch. 128).....101, 208, 216, 229.
H 244 Richmond Commissioners Election (Ch. 57).....103, 140, 146, 153.
H 245 Lincolnton Board Name Change (Ch. 58).....109, 140, 147, 153.
H 247 ABC Township Election (Ch. 113)..... 162, 185, 195, 201, 222.
H 248 Real Estate Commission (Ch. 81).....141, 164, 175, 181.
H 249 Interest on Unpaid 1982 Prop. Tax (Ch. 64).....116, 143, 153, 157.
H 250 Concerning the Legislative Office Building (Rules Com)..... 204.
H 253 Candidacy Prohibitions (Ch. 330).....165, 420, 431, 445.
H 254 Morehead Annexation (Ch. 59).....101, 140, 147, 153.
H 255 Protective Services Act (Ch. 794).. 323, 482, 539, 546, 681, 812, 825, 840.
H 256 Landscape Contractors Board (Ch. 108)..... 141, 185, 195, 202, 206.
H 257 Foresters Registration Board (Ch. 103).....112, 186, 196, 202.
H 258 Psychologists Licensing Act (Ch. 82)..... 145, 164, 171, 176, 181.
H 260 Tax Exemption/Day-Care Benefits (Ch. 895)..... 179, 883, 886.
H 261 NC State Bar Amendments (Ch. 390).....354, 453, 461, 468.
H 263 Court State Reason/Bail Bond (unf rpt/see H 661).....354, 602.
H 264 Forfeiture of Robbery Vehicles (Ch. 74).....155, 161, 166, 172.
H 265 Housing Commission Established (Ch. 778)..... 701, 749, 817, 823, 840.
H 270 Mobile Home Minimum Standards (Ch. 401).....227, 459, 467, 476.
H 274 Loans to Lenders (Ch. 148)..... 155, 213, 242, 249, 259.
H 275 Housing Authority Eminent Domain
(Ch. 149).....141, 146, 213, 243, 249, 259.
H 278 The Tax Adjustment Act of 1983
(Ch. 713)..... 615, 628, 638, 644, 646, 724, 763, 769, 772, 774.
H 279 Congress Oppose Termin/Low Income Housing
(Res. 9)..... 141, 146, 213, 243, 251.
H 280 Congress Pass Tax Saving For Home Purchase
(Res. 10)..... 145, 146, 213, 243, 251.

H 281 Miscellaneous Election Changes (Ch. 411)..... 227, 459, 467, 493.
H 282 School Crosswalks/Fines Increased (Spec W&M Com)..... 684.
H 283 Albemarle Land Sale (Ch. 60) ..... 116, 140, 147, 153.
H 285 Registration Plate Amendments (Ch. 253) ..... 287, 341, 350, 356.
H 288 Involuntary Commitment Transportation
(Ch. 138) ..... 159, 185, 202, 205, 233.
H 291 New Hanover Election Districts (S 124) (Ch. 595)..... 323, 603, 625, 664.
H 292 Wilmington Election Districts (S 125) (Ch. 597) ..... 323, 603, 625, 664.
H 293 Notarial Jurat as Acknowledgement (Ch. 391)..... 354, 454, 461, 468.
H 295 Election Day Address Change (Ch. 392)..... 255, 420, 431, 439, 468.
H 296 Onslow Fox Hunting (S 122) (Ch. 109) ..... 119, 192, 202, 206.
H 297 Raise Small Estates/Trusts (Ch. 65)..... 116, 140, 151, 157.
H 298 Seal Not Required on Deed (Ch. 398) ..... 414, 453, 462, 467, 476.
H 302 Renunciation Amendments (Ch. 66) ..... 117, 140, 151, 157.
H 304 Union Land Acquisition (Ch. 150)..... 155, 241, 249, 259.
H 305 Executive Mansion — Fine Arts Committee Meet
(Ch. 632) ..... 591, 666, 677, 687.
H 307 Area Mental Health Funds Use (Ch. 402)..... 330, 457, 468, 476.
H 308 Charlotte Property Sale (Ch. 92)..... 119, 183, 189, 197.
H 309 Charlotte Ordinance Penalty (Ch. 71)..... 117, 140, 147, 163.
H 311 Troutman Boundary (Ch. 104) ..... 119, 183, 190, 196, 202.
H 314 Sale of Impounded Dogs — Pasquotank/Chowan
(Ch. 166) ..... 150, 219, 228, 249, 272.
H 315 Alcohol Sales to Minors (Ch. 740)..... 415, 748, 772, 809.
H 316 Hillsborough Validation (Ch. 93)..... 155, 183, 190, 197.
H 317 Ayden Annexation (Ch. 105)..... 159, 183, 190, 196, 202.
H 322 Solid Waste Management (Ch. 795) .....749, 767, 799, 802, 816, 817, 840.
H 325 Scale Technicians Amendments (Ch. 111)..... 113, 182, 190, 196, 218.
H 327 Sales Tax on Computer Software (Fin Com/see H 278-Ch 713)..... 193.
H 329 Organization of Local School Board
(Ch. 408) ..... 221, 369, 379, 393, 408, 439, 462, 485.
H 330 Valdese Firemen's Supplemental Fund (Ch. 501) ..... 544, 572, 584, 594.
H 331 Counsel–Commitment Rehearings
(Ch. 275) .....232, 297, 305, 326, 330, 332, 361, 363, 380.
H 332 Child Abuse Reporting (Ch. 199)..... 255, 297, 306, 316.
H 334 Teacher, Education Prof. Exchange
(Res. 27)..... 282, 369, 396, 398, 416, 587.
H 335 Corrections — In-Service Training
(recom J III/Law Enf & CJ Com)..... 155, 241, 250, 257.
H 336 Opt-Out of Federal Preemption (Interest) (Ch. 126) ... 173, 211, 216, 222.
H 337 Lenoir Industrial-Agricultural Dev. Com.
(Ch. 94) ..... 155, 183, 190, 197.
H 340 Memorializing Jonas Melvin Gardner (Res. 19) ..... 389, 428, 439, 449.
H 342 Marking Dangerous Trucks (Ch. 254)..... 287, 341, 350, 356.
H 343 Revise Sheriff 's Laws (Ch. 670)..... 544, 659, 670, 678, 713.
H 344 Rutherford School Board (Ch. 95)..... 155, 183, 190, 197.
H 345 Water/Sewer Authority Claims (Ch. 525) ..... 371, 570, 607, 619.
H 347 New Hanover Retirement Terminate (Ch. 550)..... 591, 612, 625, 634.
H 348 New Hanover Ambulance Garnish (Ch. 186) ..... 204, 269, 277, 283, 293.
H 349 Scotland Subdivision Regulation (Ch. 96) ..... 155, 183, 190, 197.
H 350 Rowan School Board (Ch. 97)..... 155, 183, 190, 197.
H 351 Population/Size-County Human Resources (Hum Res Com)..... 215.
H 356 Delay Removing Juveniles (Ch. 639) ..... 582, 683, 698.

H 357 New Hanover Road Closing (Ch. 114) ..... 155, 208, 217, 222.
H 358 New Hanover Private Roads (recom Loc Gov Com) ..... 159, 208, 217.
H 359 New Hanover Private Roads (Ch. 98) ..... 159, 183, 190, 197.
H 362 Transfer Motorboat Registration (Ch. 194)... 174, 219, 273, 292, 300, 308.
H 363 Wildlife Resources Managed Hunt Fees
(Ch. 403) ..... 174, 363, 427, 439, 448, 476.
H 364 Exotic Animal Permits (N & ER/Wildlife Com) ..... 170.
H 365 New Bern Community Dev. Activities (Ch. 115) ..... 170, 208, 217, 222.
H 366 New Bern Firemen's Supplemental Fund (Ch. 551).... 551, 612, 625, 634.
H 368 Injury by Accident/Worker's Comp. (S 327) (Ch. 833).. 400, 427, 849, 870.
H 369 Catawba Fireworks Permits (Ch. 116)..... 179, 208, 217, 223.
H 370 Hospice Licensing Act (Hum Res Com)..... 348.
H 374 Public Health Penalty (unf rpt) ..... 170, 874.
H 375 Mecklenburg Life Preservers (Ch. 200)..... 255, 297, 306, 316.
H 376 Disposition of Animals (Ch. 834) ..... 815, 820, 833, 837, 870.
H 378 Elizabeth City Assessment Validation (Ch. 187).. 179, 270, 277, 284, 293.
H 379 Bertie Pistol Permits (Ch. 151) ..... 200, 241, 250, 259.
H 384 120-Day Speedy Trial Law (Ch. 571) ..... 478, 602, 617, 645.
H 385 Probation/Procure Proper License (Spec W & M Com)..... 710.
H 386 Election Law Technical Amendments (Ch. 331)..... 266, 420, 431, 445.
H 390 Cape Colony Bird Sanctuary (Ch. 167) ..... 179, 219, 228, 250, 272.
H 395 Incorporate Dobbins Heights (Ch. 658) ..... 179, 683, 695, 702, 713.
H 397 Asheville Ordinance Publication (Ch. 117)..... 174, 208, 217, 223.
H 399 Mecklenburg Gun Permit Fee (Ch. 145) ..... 179, 208, 217, 222, 251.
H 400 Federal Prisoners in Mecklenburg Jail
(Ch. 219) ..... 174, 245, 257, 258, 262, 271, 280, 289, 320.
H 405 Monroe Land Conveyance (Ch. 154)..... 204, 241, 250, 259.
H 407 Amend Juvenile Code (Ch. 133)..... 180, 219, 229, 233.
H 408 Simplify Board of Governors' Election (unf rpt) ..... 266, 453.
H 410 Congress Assure N. C. Forest Lands Remain Public
(Res. 15)..... 215, 303, 314, 321.
H 413 Equitable Distribution Amendments
(Ch. 640) ..... 261, 310, 324, 482, 545, 558, 588, 674, 681, 698.
H 414 Injunction — Equitable Distribution
(Ch. 309) ..... 255, 311, 324, 327, 337, 344, 409.
H 415 Service by Publication Law (Ch. 231) ..... 287, 327, 337, 345.
H 417 Memorializing Hardy Talton (Res. 16)..... 330, 331, 339.
H 418 Caswell Land Conveyance (Ch. 152)..... 200, 241, 250, 259.
H 423 35 MPH/Subdivision Streets (Ch. 153)..... 200, 241, 250, 259.
H 424 Mecklenburg Ordinance Penalties (Ch. 118) ..... 200, 208, 217, 223.
H 425 Charlotte/Meck. Human Rel. (Ch. 119) ..... 200, 208, 217, 223.
H 426 Local Sales Tax & Occupancy Tax
(Ch. 908) ..... 684, 700, 803, 816, 829, 838, 863, 871, 889, 891.
H 427 Assessment for Yam Commission (Ch. 246) .. 242, 268, 302, 314, 320, 345.
H 428 Up to $5.00 Auto Tax Allowed (Ch. 188) ..... 188, 244, 258, 262, 293.
H 429 Tyrrell/Washington Boundary (Ch. 120)..... 200, 208, 217, 223.
H 432 Women's Tax Domicile (Ch. 195)..... 232, 269, 277, 284, 308.
H 433 Incompetent Spouse Partition (J II Com)..... 630.
H 434 Power of Attorney Revision (Ch. 626)..... 630, 658, 670, 679.
H 436 Service by Publication (Ch. 679) ..... 669, 699, 711, 720.
H 437 Cabarrus School Board Filing (Ch. 121) ..... 200, 208, 218, 223.
H 439 Gastonia Zoning (Ch. 176)..... 227, 270, 277, 293.

H 440 Pharmacy Practice Amendments (Ch. 196) ..... 232, 273, 300, 308.
H 441 Rocky Mount Zoning (Ch. 122) ..... 200, 209, 218, 223.
H 442 Fingerprints/Bd. of Law Exam. (Ch. 177) ..... 232, 269, 277, 293.
H 443 Old Mineral Rights Extinguished (Ch. 502) ..... 484, 563, 576, 584, 594.
H 444 Street Rods — Special Licenses (Ch. 323) ..... 354, 399, 408, 416, 424.
H 445 Motor Vehicles Lights/Inclement Weather (tabled) ..... 460, 561, 576.
H 448 Eviction: Small Claims Service (Ch. 332) ..... 389, 411, 424, 431, 445.
H 449 County Property Disposal (Ch. 224) ..... 215, 297, 306, 332.
H 450 Cremation per Will (recom J I Com) ..... 354, 427, 440, 448.
H 451 Constitutional Amendment Summaries (Ch. 844) ..... 857, 870.
H 452 Prison Enterprise Laundries (unf rpt) ..... 200, 795.
H 454 Troutman Town Administrator (Ch. 123) ..... 200, 209, 218, 223.
H 455 Probation/Uniform Regulations
(Ch. 561) ..... 401, 453, 462, 580, 593, 607, 639.
H 456 Change Retiree Reemployment Law (Ch. 556) ..... 565, 612, 625, 634.
H 457 Equal Access to Justice (Ch. 918/see S 23–Ch 761) .... 884, 888, 893, 898.
H 458 AG/DA's Must Be Lawyers (Ch. 298) ...312, 358, 366, 373, 375, 386, 387.
H 459 Boating Safety (Ch. 796) ..... 636, 818, 840.
H 462 Mecklenburg Assessments (Ch. 189) ..... 232, 270, 277, 284, 293.
H 466 City of Statesville — Amend Charter (Ch. 250) .. 266, 328, 337, 344, 351.
H 467 East End Boundaries Defined (Ch. 157) ..... 204, 241, 250, 258, 263.
H 468 Community College Board Election Process
(Ch. 311) ..... 193, 327, 344, 350, 356, 409.
H 469 Durham Board of Education (Ch. 124) ..... 200, 209, 218, 223.
H 471 Parole Supervision Fee (Ch. 562) ..... 401, 580, 593, 607, 639.
H 472 Prison Contraband Confiscation (Ch. 289) .... 232, 340, 350, 356, 360, 384.
H 474 Attorney's Fees/Civil Action (J III Com) ..... 465.
H 475 Filing of Discovery Papers (Ch. 201) ..... 261, 297, 306, 316.
H 477 Handicapped Parking Fine Incr. (Ch. 326) ..... 319, 399, 408, 416, 424.
H 478 Adult Dev Programs/Subsidy Increase (Ch. 882) ..... 857, 881.
H 479 Reidsville Water Rates (Ch. 125) ..... 200, 209, 218, 223.
H 482 U.S. Truck Tax Payment (S 208) (Ch. 190) ..... 204, 280, 289, 293.
H 483 Lincoln County Teacher Payday (Ch. 178) ..... 227, 270, 278, 293.
H 484 Vote Law Corrections, Clarifications (Ch. 324) ..... 275, 389, 397, 425.
H 485 Absentee Ballots with Application (Ch. 304) ..... 266, 389, 397, 403.
H 486 Cabarrus Precinct Boundaries (Ch. 225) ..... 266, 297, 306, 332.
H 487 Special ID Card Address Change (W & M/Trans Com) ..... 242.
H 489 Bingo Laws Amended
(Ch. 896/see S313–Ch 923) ..... 750, 798, 803, 819, 820, 829, 843, 854, 874, 882, 886.
H 490 Insurance Dividends (Ch. 374) ..... 292, 410, 440, 449.
H 493 Appeal of Utilities Commission Orders (Ch. 526) ..... 460, 570, 607, 619.
H 494 Court Cost & Fees Increased (Fin Com) ..... 473.
H 495 Lowrance Hospital Property Sale (Ch. 228) ..... 233, 328, 337, 345.
H 497 Newton Supplemental Firemen's Fund (Ch. 503) ..... 544, 572, 584, 595.
H 499 Increase Auto Accident Report Limit (Ch. 229) ..... 319, 327, 337, 345.
H 500 Central Piedmont Community College Lease
(Ch. 230) ..... 287, 328, 338, 345.
H 501 Lincoln Election Filing (Ch. 179) ..... 227, 270, 278, 293.
H 502 Anti-Pollution Tax Exemption (Ch. 643) ..... 565, 675, 686, 696, 705.
H 503 Valuation of Marital Property
(Ch. 671) ..... 330, 453, 462, 468, 483, 489, 665, 707, 713.

H 504 Craven Road Hunting Limited (Ch. 305) ..... 204, 273, 300, 333, 351, 403.
H 505 Morganton Mayor's Vote (Ch. 202) ..... 261, 297, 306, 316.
H 506 Shelby Public Market (Ch. 226) ..... 228, 270, 278, 298, 314, 339.
H 507 Buncombe School Fund Commission (Ch. 134) ..... 227, 233.
H 509 Lutheran Family Service Funds (Ch. 845) ..... 857, 870.
H 510 Juvenile Code Technical Amendment (Ch. 276) ..... 261, 362, 373, 380.
H 512 Jury Lists Names (Ch. 197) ..... 242, 269, 278, 308.
H 513 Utility Comm — 30 Day Notice of Appeal (Ch. 572) ... 551, 602, 617, 645.
H 514 Davie Medical Bldg. (Ch. 203) ..... 261, 298, 306, 316.
H 517 Auditor Revision (Ch. 913) ..... 710, 760, 772, 781, 894, 899.
H 518 Raleigh Water Line Costs (Ch. 211) ..... 266, 298, 306, 315, 320.
H 519 Real Estate License Revisions (Ch. 384) ..... 406, 426, 449, 455, 463.
H 520 Cohabitation May Change Alimony (J III Com) ..... 842.
H 521 Hunting w/Dogs — Martin County (N & ER Wildlife Com) ..... 615.
H 522 Signature Not Mandatory on Ticket (J II Com) ..... 287.
H 523 Auto Inspection (unf rpt) ..... 323, 420.
H 524 Rule Sunset (Ch. 883) ..... 394, 759, 772, 776, 795, 804, 881.
H 525 Washington City School Election (Ch. 212) ..... 266, 298, 306, 315, 320.
H 527 Military Discharge Mitigates Sentence (Ch. 606) ..... 323, 649, 662, 672.
H 528 Escheat/Abandoned Property Laws (Ch. 204) ..... 266, 297, 307, 316.
H 529 No Tax Waiver for Executor (Ch. 198) ..... 233, 273, 301, 308.
H 530 Deputy Sheriff/Workers Comp-Multi-Co. (Ch. 344) ..... 378, 411, 440, 449.
H 531 Greenville Cemetery Fund Repeal (Ch. 232) ..... 261, 328, 338, 345.
H 532 High Point Career Service (Ch. 180) ..... 228, 270, 278, 293.
H 538 Maternity Home Care Funds (Ch. 846) ..... 857, 870.
H 540 Lenoir Annexation Approved (Ch. 404) ..... 266, 328, 338, 344, 360, 366, 368, 440, 476.
H 541 Conservation Equipment Tax Credit (Reref Fin Com) ..... 701, 749, 777.
H 543 Nursing Home/Certificate of Need (Ch. 835) ..... 359, 611, 849, 870.
H 544 Notice to Parents of Child's Arrest (Ch. 681) ..... 659, 682, 696, 720.
H 545 Consumer Credit Sale Definition (Ch. 686) ..... 255, 667, 686, 752.
H 548 Penalty for Nonsupport (J III Com) ..... 447.
H 551 Satellite Hospital Facilities (Ch. 578) ..... 354, 562, 584, 655.
H 552 APA Review (Ch. 919/see S 23–Ch. 761) ..... 884, 888, 890, 892, 899.
H 553 Tar River Port Commission Abolished (Ch. 233) ..... 288, 328, 338, 345.
H 554 Landfill Insurance, Regulations (Ch. 546) ..... 233, 570, 584, 626.
H 559 Hazardous Waste Landfill (Conf. Com) ..... 561, 851, 853, 860, 868, 908.
H 560 Chowan Hospital (unf rpt) ..... 460, 488, 539, 649.
H 561 Notary Acts Validated (Ch. 205) ..... 255, 297, 307, 316.
H 562 Whiteville/Columbus School Election (Ch. 234) ..... 261, 328, 338, 345.
H 565 Transporter Registration Plates (Ch. 426) ... 267, 399, 416, 453, 462, 548.
H 566 Fayetteville Land Acquisition (Ch. 235) ..... 288, 328, 338, 345.
H 567 Bad Check Restitution (Ch. 741) ..... 660, 683, 696, 709, 719, 809.
H 569 Murphy Annexation (Ch. 345) ..... 354, 412, 432, 440, 449.
H 570 Raleigh Charter Amendments (Ch. 272) ..... 323, 359, 366, 373, 380.
H 571 Raleigh/Charter — Subdiv. Approval (Spec W & M Com) ..... 780.
H 572 Perquimans Road Hunting Limited (Ch. 213) ..... 275, 303, 315, 321.
H 573 Kitty Hawk Fire District (Ch. 206) ..... 267, 298, 307, 316.
H 574 Maiden Town Assessments (Ch. 346) ..... 359, 412, 432, 441, 449.
H 575 Obscenity/Technical Amendments (Spec W & M Com) ..... 676.
H 576 Bd. of Ed. Membership/New Bern (Craven) (Ch. 236) ..... 288, 328, 338, 345.

H 578 Wake ABC Bd. Composition (reref St Gov Com) ..... 348, 353.
H 579 Construction Contract Bonds (Ch. 422) ..... 406, 487, 539, 548.
H 580 Charlotte Condemnation Powers (Ch. 437) ..... 406, 488, 540, 547, 553.
H 581 Day-Care Coordinating Agency Funds (Ch. 847) ..... 857, 870.
H 583 Intermediate Care Facilities/Freeze (Ch. 836) ..... 415, 570, 849, 871.
H 585 Pinehurst Police Jurisdiction (S 233) (Ch. 260) ..... 312, 359, 366, 375.
H 586 Wilmington Firemen's Pension Fund (Ch. 504) ..... 551, 572, 585, 595.
H 587 Wilmington Firemen's Benefit Fund (Ch. 505) ..... 552, 572, 585, 595.
H 588 Wilmington Charter Clarification (Ch. 535) ..... 544, 603, 617, 626.
H 589 Wilmington as International City (S 260) (Res. 20) .... 382, 428, 441, 449.
H 590 Wilmington Charter — Treasurer (Ch. 347) ..... 378, 412, 441, 449.
H 591 Wilmington-Charter/Licensing Vehicles for Hire (Ch. 348) ..... 378, 412, 441, 449.
H 592 New Hanover Teacher Payday (Ch. 573) ..... 371, 629, 638, 645.
H 593 Day-Care Licensing Inspection (Ch. 261) .... 312, 333, 344, 360, 366, 375.
H 596 Testimony as to Medical Charges (Ch. 776) ..... 791, 796, 823, 827.
H 597 Incorporate Weddington (Union) (Ch. 256) ..... 267, 298, 315, 320, 356.
H 598 Mental Health Exemption (Title XX) (Ch. 278) ..... 319, 373, 380, 912.
H 599 Lenoir Redevelopment (Ch. 207) ..... 267, 298, 307, 316.
H 600 Stanly Ind. Dev. Comm. (Ch. 237) ..... 288, 328, 338, 346.
H 601 Stanly Airport Authority (Ch. 238) ..... 288, 328, 338, 346.
H 602 Study/Nonpartisan Elec. New Hanover Bd. of Education (Loc Gov Com) ..... 605.
H 603 Wilmington's Police Pension Fund (Ch. 552) ..... 557, 612, 625, 634.
H 604 Dept. of Correction Boards & Commissions (Ch. 709) .. 323, 748, 763, 774.
H 605 Drivers' License Suspension (Ch. 538) ..... 389, 589, 607, 617, 627.
H 606 Wilson Hospital Lease (Ch. 239) ..... 288, 328, 338, 346.
H 607 Road Hunting/Wilson County Prohib. (Ch. 423) ..... 415, 487, 540, 548.
H 608 Edgecombe Bd. of Education Elect. (Ch. 262) ..... 312, 359, 366, 375.
H 611 Cumberland School Board Pay (Ch. 263) ..... 308, 312, 359, 366, 375.
H 612 Currituck Game Commission (Ch. 764) ..... 750, 777, 792, 827.
H 613 Tyrrell Contracts (Ch. 208) ..... 261, 298, 307, 316.
H 616 Theft of Library Books (Dare) (Ch. 349) ..... 335, 427, 441, 449.
H 617 Burglar Alarm Privilege License Tax (Ch. 300) ..... 299, 362, 373, 375, 391, 397.
H 618 Lumberton Charter Amends (Robeson) (Ch. 350) ..... 401, 426, 441, 449.
H 620 Southport Charter (Brunswick) (Ch. 659) ..... 636, 683, 696, 703, 713.
H 621 Teacher Workdays Near Election Day (Res. 31) ..... 552, 613, 625, 634.
H 623 Incorporate King (Stokes) (Ch. 351) ..... 359, 412, 433, 444, 450.
H 624 Stokes County Deer Hunting (Ch. 487) ..... 552, 563, 576, 587.
H 625 Asheville Teacher Pay (Ch. 352) ..... 342, 412, 441, 450.
H 626 Gaston County Police Dept. (Ch. 904) ..... 779, 882, 886.
H 627 Sampson County School Financing (Ch. 209) ..... 261, 298, 307, 316.
H 629 Kannapolis Charter (Cabarrus/Rowan) (Ch. 191) .. 267, 270, 278, 284, 293.
H 630 Local Sales Tax for Schools (Burke) (Ch. 273) ..... 261, 298, 307, 309, 323, 359, 366, 374, 380.
H 631 Mecklenburg/Charlotte Use Permits (Ch. 488) ..... 473, 563, 576, 587.
H 632 Auto Ins Surcharges/Property Damage (Ins Com) ..... 591.
H 633 Reinsurance Facility Deviations (Ins Com) ..... 565.
H 635 Edgecombe County Leases (Ch. 240) ..... 288, 328, 338, 346.
H 636 Land Disposal/Private Sale (Clay) (Ch. 353) ..... 348, 412, 441, 450.
H 637 Graham Co. Forest Land Exchange (Ch. 354) ..... 348, 412, 441, 450.

H 638 Macon Force Account/Const. Limit (Ch. 355).....348, 412, 441, 450.
H 640 Prohib. Deer Hunting w/Dogs — Moore County
(N & ER Wildlife Com)..... 615.
H 642 Jailer Training & Certification (Ch. 745).....473, 759, 782, 810.
H 643 Dam Safety Law Amended (Ch. 306).....348, 388, 397, 403.
H 644 Gaston Tow Trucks Regulated (Ch. 687).....636, 708, 719, 752.
H 645 Recodify Public Hospital Laws (S 278)
(Ch. 775) ..... 779, 788, 792, 801, 827.
H 646 Joint Session — Confirm State Bd. of Ed. (Res. 8)..... 227, 233, 238.
H 647 Surry Property Tax Discount (Ch. 241).....323, 329, 339, 346.
H 648 Transylvania School Land Sale (Ch. 579) .....437, 635, 644, 655.
H 649 Metropolitan Sewerage Districts (Ch. 333).....292, 419, 431, 445.
H 651 Adoption Amendments (Ch. 454).....473, 536, 547, 553.
H 653 Paternal Consent to Adoption (Ch. 292) .....323, 358, 367, 387.
H 654 Revoke Adoption Consent (Ch. 688).....669, 709, 719, 752.
H 656 Wake Forest Annexation (Wake) (Loc Gov Com)..... 641.
H 657 Protect Swift Creek Township (Wake)
(reref Appr Com/see S 313-Ch. 923).....676, 777.
H 658 Condominium Conversion (Ch. 624) .....605, 649, 662, 679.
H 660 Future of NC Commission (S 262) (Res. 24) .....342, 488, 545, 554.
H 662 Roanoke Corridor Comm Jurisdiction (Ch. 242).....288, 329, 339, 346.
H 663 Land Survey Revision (Ch. 473) .....473, 536, 547, 579.
H 665 Corporation Solar Tax Credit (reref Appr Com).....319, 828.
H 666 Individual Solar Tax Credit (reref Appr Com).....319, 828.
H 669 Mecklenburg Road Debris (Ch. 264).....319, 359, 367, 375.
H 670 Mecklenburg Vessel Stopping (Ch. 356).....382, 428, 441, 450.
H 671 Cosmetologists Reciprocity (Ch. 438)..... 283, 309, 488, 545, 554.
H 674 Uranium Exploration Regulated (Ch. 279) .....323, 363, 374, 380.
H 676 Mental Health Catchment Area (Ch. 280).....319, 374, 380, 912.
H 680 Investigate Infant Separation (Ch. 293).....313, 358, 367, 387.
H 681 Allow the Parole Comm. to Deny Release (Ch. 547)...292, 562, 585, 627.
H 682 Chain of Custody/Courier Service (Ch. 375).....371, 411, 442, 450.
H 683 Stopped School Bus Amendment
(Ch. 779) .....305, 420, 431, 435, 455, 462, 610, 754, 821, 825, 841.
H 684 Crime of Involuntary Servitude (Ch. 746).... 582, 689, 711, 747, 773, 810.
H 688 License Domiciliary Homes (Ch. 824)..... 423, 692, 698, 794, 823, 860.
H 689 Mental Health Personnel Records (Ch. 281).....323, 374, 380, 912.
H 690 Return to Treatment Facilities (Ch. 548) ..... 354, 562, 576, 585, 627.
H 693 Fire Investigative Searches (unf rpt).....390, 758.
H 694 Sanitary District Elections (Ch. 537) .....283, 604, 617, 627.
H 698 Parade Ban Weapon Strengthened (Ch. 633)..... 574, 659, 670, 678, 687.
H 700 Incompetent Defendant Dismissal (S 320)
(Ch. 460) ..... 395, 482, 491, 540, 568.
H 702 Human Relations Council (Ch. 461) .....354, 549, 558, 568.
H 705 Bail Discretion (J III/Law Enf C & J Com)..... 637.
H 707 Hertford Co. Industrial Park (Ch. 243).....288, 329, 339, 346.
H 709 Alarm Systems Licensing
(Ch. 786) ..... 591, 699, 719, 767, 782, 792, 801, 841.
H 711 Drug Dealing Money Forfeiture (Ch. 528) ... 319, 361, 458, 475, 480, 619.
H 713 Criminal Law Technical Corrections (Ch. 294).....319, 358, 367, 387.
H 716 Employ. Security Law Amends. — 1 (Ch. 585)... 423, 611, 625, 644, 655.
H 717 Tax Evasion Penalties (reref J II Com)..... 615, 787, 798.

H 719 Clarify Prison Program Authority (Ch. 376)..... 288, 302, 419, 442, 450.
H 720 Amend Notice Requirements of G. S. 105-375 (Ch. 855).... 770, 873, 881.
H 721 Worker's Comp. Filing Extended (Spec. W & M Com)..... 825.
H 722 Industrial Commission Independence (Mfg, L & C Com)..... 429.
H 723 Returned Check/Charge Fee (Ch. 529) ..... 330, 464, 480, 483, 619.
H 724 Motorboat Noise Limits (Ch. 787).....701, 777, 792, 841.
H 726 Disposition of Personal Plate Funds (Ch. 848).....857, 871.
H 729 Firemen's Ret. Tax Shelter (Ch. 506) .....544, 572, 585, 595.
H 731 Tyrrell School Contracts (Ch. 580) ..... 437, 580, 635, 644, 655.
H 733 Mental Health Facility Licensing (Ch. 718) .....478, 757, 773, 783.
H 734 New Bern Charter Amendment (Ch. 174).....261, 270, 271, 279.
H 737 Employment Security Law Amendments — 2
(Ch. 625) .....406, 611, 626, 632, 644, 679.
H 738 Strict Liability Hazardous Wastes (Spec W & M Com)..... 797.
H 739 Abolish Fayetteville Civil Service Com. (Ch. 244) .....288, 329, 339, 346.
H 742 Dosher Hospital Validation (Ch. 439).....473, 536, 547, 554.
H 744 Violating Custody Orders (Ch. 563) .....401, 571, 608, 639.
H 745 Warren County Assistance Funds (Ch. 849).....857, 871.
H 752 Consumer Protection Law Enf. (Ch. 417).....423, 482, 491, 541.
H 754 Pilot Mt. Annexation (Surry) (Ch. 357)..... 382, 412, 433, 445, 450.
H 757 Readable Ins. Policies Clarification (Ch. 393).....401, 453, 462, 468.
H 758 Court Review After Term. of Parental Rights
(Ch. 607) .....460, 647, 662, 672.
H 759 Notice/Answer in Termination Parental Rights
(Ch. 581) .....460, 580, 608, 655.
H 760 M. H. Study — Area Mental Health Program Funds (S 331)
(Res. 21).....382, 428, 442, 450.
H 764 Public Airport Funds (Ch. 319) .....355, 399, 408, 417.
H 765 Princeville Community Development (Edgecombe)
(Ch. 265) .....319, 359, 367, 375.
H 767 Drug Embezzlement/Doctor Shopping
(Ch. 773) ..... 565, 658, 678, 716, 754, 813, 825, 827.
H 773 Winston-Salem Parking Under I-40 (Forsyth)
(Ch. 634) .....355, 636, 651, 687.
H 774 Probation Revocation Procedures (Ch. 536) .....552, 602, 617, 627.
H 775 Sheriff 's Liability/Deputy's Act (Conf Com) ..... 651, 883, 885, 890, 897.
H 776 Orange–Chatham Local Matters
(Ch. 730) .....574, 603, 617, 633, 662, 683, 703, 711, 793.
H 779 Life Care Centers Cert. of Need (Ch. 920) .....429, 611, 894, 899.
H 780 Day-Care Licensing Enforcement (Hum Res Com)..... 330.
H 782 Maintenance of Line Fences (reref Loc Gov)..... 437, 487, 715.
H 784 Beach Access Amendment (Ch. 334).....324, 419, 432, 446.
H 785 N.C. Time Share Act
(Ch. 814) .....717, 749, 754, 811, 830, 844, 855.
H 787 Commercial Wastewater Treat. Operation Firms
(Ch. 489) .....544, 563, 576, 587.
H 788 New Bern Mayor's Vote (Ch. 266) .....319, 359, 367, 375.
H 789 Local Assessment Discounts (Ch. 381)..... 324, 412, 426, 449, 456.
H 790 Enforcement During Appeal/Alimony (J II Com) ..... 378.
H 791 Enforcement During Appeal/Custody (Ch. 530).....365, 571, 608, 619.
H 796 Charlotte Tenure Law Changes (Ch. 394)..... 382, 426, 434, 442, 469.
H 797 Attorney General Represent Handicapped (Ch. 850) .....858, 871.

H 798 W-S/Forsyth School Board — Private Sale (Ch. 358) ..... 378, 412, 442, 450.
H 800 Funeral & Burial Trust Funds (Ch. 657) ..... 460, 589, 617, 656, 688, 700, 713.
H 801 Southern Pines Assessments (Moore) (Ch. 359)... 382, 412, 433, 442, 450.
H 804 Buncombe School Contracts (Ch. 360) ..... 355, 413, 442, 450.
H 806 Duty to Stop/Motor Vehicle Accident (Ch. 912)..... 851, 883, 889, 899.
H 808 Freeze Non-State Emp. Retirement (Ch. 412).... 330, 458, 468, 485, 493.
H 809 Joint Session/Honor NC Basketball Teams (Res. 13)..... 282, 294.
H 810 Studies by Standing Com. of G. A. (Ch. 927) ..... 335, 537, 547, 566, 759, 773, 776, 795, 821, 836, 884, 902, 903, 904, 907.
H 811 Concord/Kannapolis Boundary (Cabarrus) (Ch. 227) ..... 287, 298, 308, 315, 339.
H 814 To Regulate the Practice of Midwifery (Ch. 897) ..... 815, 820, 852, 854, 872, 886.
H 815 Aeronautics Council Appointments (Ch. 325)..... 342, 399, 408, 417, 425.
H 816 Prohib. Interference/Emergency (Forsyth) (Ch. 361)... 378, 413, 442, 450.
H 817 Felonious Jail Escape (Ch. 455)..... 390, 482, 491, 559.
H 818 County Approval for Community College Bldgs. (unf rpt)..... 407, 682.
H 822 Charlotte Littering Bill (Ch. 362) ..... 401, 428, 442, 450.
H 823 Camden Road Hunting Limited (Ch. 274)..... 324, 363, 374, 380.
H 825 Duplin Ambulance Fee Collection (Ch. 424)..... 447, 483, 492, 540, 548.
H 828 Transylvania Election Procedure (Ch. 363)..... 349, 413, 443, 450.
H 830 Community Penalties Program (Ch. 909)..... 884, 888, 890, 892.
H 832 Parole Acceleration Policy (Ch. 557)..... 407, 602, 618, 626, 634.
H 833 Intensive Probation Program (Ch. 682)..... 355, 683, 696, 720.
H 838 Age — Expansion Youthful Offenders (Ch. 531).. 401, 556, 566, 569, 620.
H 839 Fair Parole Procedures (J III/Law Enf C & J Com)..... 591.
H 840 New Bern Land Conveyance (Craven) (Ch. 364)..... 382, 413, 443, 450.
H 847 Holden Beach Accessways (Brunswick) (Ch. 490) ..... 478, 556, 566, 576, 587.
H 848 99 Yr. Leases — Southport/Smithville (Brunswick) (Ch. 440) ..... 473, 537, 547, 554.
H 849 Impounded Dogs and Cats (Edgecombe) (Ch. 683)..... 637, 683, 696, 720.
H 850 Sale of Historic Properties (Ch. 456) ..... 378, 482, 492, 559.
H 851 Local Inspection Procedures (Ch. 377)..... 407, 427, 443, 450.
H 852 School Consolidation Amendment (Ch. 308) ..... 371, 393, 403, 409.
H 854 Wilmington Charter Changes (Ch. 365)..... 382, 413, 443, 451.
H 856 Definition of "Rule"/APA (Ch. 641)..... 473, 640, 653, 698.
H 858 New Hanover Board of Comn. Vacancies (Ch. 418).... 349, 483, 492, 541.
H 862 Wilmington Special Use Dist. (Ch. 366)..... 349, 413, 443, 451.
H 863 Wilmington Ordinance Procedures (Ch. 367) ..... 349, 413, 443, 451.
H 864 New Hanover Bondsmen/Law Library (Ch. 742) ..... 349, 413, 443, 666, 686, 810.
H 865 County May Zone Wetlands (Ch. 441)..... 382, 488, 545, 554.
H 866 Cumberland Blue Law Referendum (Ch. 368)..... 378, 413, 443, 451.
H 869 Stopped School Bus Amend — 2 (reref Spec Com)..... 378, 420, 432, 434.
H 870 Durham City Election Wards (Ch. 369)..... 378, 413, 443, 451.
H 873 Durham Grants/Loans — Econ. Dev. Business (S 388) (Ch. 255) ..... 348, 356.
H 874 Durham Minority/Women Enterprise (Ch. 474)..... 349, 556, 566, 579.

H 878 Durham Contracts (Ch. 370)..... 378, 413, 443, 451.
H 879 Mandatory Mediation/Custody Dispute
(J II Com/see S 23-Ch 761)..... 615.
H 880 City of Hertford ABC Profits (Perquimans) (Ch. 371).. 365, 414, 443, 451.
H 881 Dare Co. Airport Authority/Ordinances (Ch. 892)..... 834, 874, 886.
H 882 Mecklenburg ABC Board (Ch. 788)..... 779, 811, 829, 841.
H 883 Prohib. Road Hunting — (Hoke) (Ch. 385)..... 365, 419, 432, 463.
H 884 Union/Monroe School Referendum (Ch. 475) ..... 478, 556, 566, 579.
H 885 Mint Hill Annexation (Mecklenburg) (Ch. 372) ... 383, 414, 433, 443, 451.
H 886 Emerald Isle Beach Access (Carteret) (Ch. 539)..... 574, 603, 618, 627.
H 887 Durham Fair Housing (Ch. 373) ..... 349, 414, 444, 451.
H 890 Sanitary District Powers (Ch. 608)..... 407, 640, 653, 662, 672.
H 891 Honoring NC Basketball Teams (S 393) (Res. 14) ..... 295.
H 892 Data-Gathering Authority/Commerce
(Ch. 575) ..... 454, 563, 577, 585, 618, 645.
H 893 ABC Elections/Special Occasion Permits (Ch. 457)..... 365, 492, 559, 912.
H 905 Judicial Council Repeal
(Ch. 774) ..... 447, 667, 686, 769, 806, 826, 827.
H 906 City Plurality Election Filing (Ch. 644)..... 466, 649, 670, 705.
H 907 1985 Convening Date (St Gov Com)..... 335.
H 909 Const. Amend./Agric. Facility Bonds (Ch. 765)... 630, 794, 802, 816, 827.
H 910 Agricultural Facility Finance Act (Ch. 789)..... 630, 800, 818, 830, 841.
H 911 Workers Comp. — Settlement/Judgement/Costs
(Ch. 645) ..... 582, 647, 670, 705.
H 913 Juvenile Trial As Adult Change (Ch. 532) ..... 557, 571, 608, 620.
H 914 Neighborhood Preservation Programs (J I Com)..... 473.
H 916 Establish Gov.'s Management Council (Ch. 540)..... 429, 603, 618, 627.
H 918 Injuring Police Animals/Felony (Ch. 646) ..... 544, 659, 670, 705.
H 919 Soft Drink Dispenser Tax (Ch. 379)..... 355, 427, 444, 451.
H 920 Mental Health Records of Prisoner (Ch. 491)..... 478, 562, 577, 587.
H 921 Bigamy/Misdemeanor (failed 2nd rdg) ..... 407, 427, 444.
H 922 Witness Intimidation/Felony (recom J III Com) ..... 407, 621, 633.
H 924 Ins. Co. Computer Investment (Ch. 661) ..... 591, 690, 703, 713.
H 925 Nonresident Ins. Agents (Ch. 689)..... 622, 690, 703, 752.
H 926 Insurance Agent Licensing (Ch. 662)..... 641, 690, 703, 714.
H 932 Juvenile Law Jurisdiction (Ch. 837) ..... 390, 555, 567, 850, 871.
H 933 Alteration of Marriage License
(recom Conf Com) ..... 694, 811, 861, 885, 887, 891, 900.
H 934 Memorializing Gov. Alex Martin/G.A. of 1783 (Res. 18)..... 406, 417.
H 935 Computerized Public Records Study (Ch. 825)..... 832, 851, 853, 860.
H 937 Sheriff Store Tenant's Property (Ch. 672)..... 473, 658, 671, 678, 714.
H 942 Municipal Power Agencies
(Ch. 574) ..... 437, 563, 580, 593, 608, 645.
H 943 Contamination of Water System (Ch. 507) ..... 478, 563, 577, 585, 595.
H 944 Harassment of Jurors (J III/Law Enf C & J Com) ..... 591.
H 945 Report of Currency Transactions (Ch. 815) ..... 637, 800, 823, 855.
H 946 Weapons of Mass Destruction (Ch. 413) ..... 423, 464, 475, 485, 493.
H 947 Harboring Certain Individuals (Ch. 564)..... 552, 571, 608, 639.
H 949 Disposition of Deadly Weapons (Ch. 517) ..... 478, 571, 585, 595.
H 951 Municipal Assistance Agencies (Ch. 609)..... 591, 648, 662, 672.
H 954 Purchase of Burial Association (Ch. 766)..... 552, 757, 782, 827.
H 955 Income Tax Refund/Applied (Ch. 663)..... 583, 689, 704, 714.

H 956 Community College Condemnations (Ch. 378) ..... 407, 427, 444, 451.
H 961 Intoxication on Highway/Unlawful (J III Com) ..... 660.
H 965 Limited Offering Security Exemption (Ch. 509) .. 460, 561, 577, 585, 595.
H 969 UNC Debt Collection (Ch. 419) ..... 492, 541, 912.
H 970 Amend Driver's License Suspension (Ch. 610).... 478, 636, 652, 663, 672.
H 974 Colored License Plate Covers Barred
(reref J III/Law Enf C & J Com) ..... 473, 650, 663.
H 975 Certificate of Need Reallocations (Hum Res Com) ..... 437.
H 978 Residential Second Mortgages
(Ch. 541) ..... 423, 464, 475, 492, 558, 618, 627.
H 979 CAMA General Permits — 2 (Ch. 442) ..... 390, 488, 545, 554.
H 985 Manufactured Parts Protected (J III Com) ..... 478.
H 988 Nonpublic Educational Inst.
(Res. 33/see H 1142-Ch. 905) ..... 407, 601, 618, 645.
H 989 Unlawful Reconnection of Utility (Ch. 508) ..... 447, 563, 577, 586, 595.
H 990 UNC Capital Improvements (Ch. 851) ..... 858, 871.
H 991 Hazardous Waste Landfill (Spec W & M Com) ..... 832.
H 994 Hunting with Handguns/Big Game Mammals
(Ch. 492) ..... 429, 563, 577, 587.
H 995 Domiciliary Facility Reporting Requirements
(Ch. 611) ..... 407, 647, 663, 672.
H 997 Board of Education Vacancy (Washington) (Ch. 493)... 395, 564, 578, 587.
H 999 Sales Tax on Telephone Software (Ch. 510)..... 401, 561, 578, 586, 595.
H 1000 Motor Club Road Service (Ch. 542) ..... 478, 601, 618, 627.
H 1001 Ellenboro Charter Revision (Rutherford)
(Ch. 425) ..... 447, 483, 492, 540, 548.
H 1003 Public School Real Property
(Ch. 731) ..... 669, 699, 712, 715, 751, 793.
H 1006 Designated Agent Bond (Ch. 690) ..... 694, 709, 719, 752.
H 1008 Agriculture Com. — Audit Costs (Ch. 395) ..... 401, 453, 462, 469.
H 1009 Ins. Co. Futures Investment (Ch. 664) ..... 605, 690, 704, 714.
H 1012 Davidson Force Accounts (Ch. 295) ..... 383, 387.
H 1014 Fair Plan Eligibility (Ch. 396) ..... 407, 453, 462, 469.
H 1016 Subpoena Law/Medical Records (Ch. 665)..... 637, 683, 697, 704, 714.
H 1017 Western NC Market Dev. Funds (Ch. 852) ..... 858, 871.
H 1018 Parkland Acquisition/Forest Res. Co. Hdqr. (Ch. 853) ..... 858, 871.
H 1022 Joint Session/Utilities Com. Confirmation
(Res. 22)..... 390, 428, 444, 451, 493, 494.
H 1023 Welcoming Nat'l Judicial College to NC (Res. 25)..... 447, 488, 545, 554.
H 1026 New Political Parties (Ch. 576) ..... 447, 604, 618, 645.
H 1028 Domiciliary Home Peer Review (S 595) (Ch. 816)..... 592, 829, 845, 855.
H 1034 Consolidated Felonies Sentencing (Ch. 453) ..... 460, 537, 547, 554.
H 1036 Unauthorized Public Purchase (Ch. 409) ..... 454, 464, 475, 480, 485.
H 1037 Public Officers & Employee Liab. Ins. Comm.
(Ch. 543) ..... 429, 601, 618, 627.
H 1040 Insurance Examination/License Fees
(Ch. 790) ..... 771, 777, 800, 819, 830, 841.
H 1042 Validate Public Sales (Ch. 582) ..... 460, 555, 578, 655.
H 1044 Comm. College Co-op Programs (Ch. 596) ..... 538, 640, 654, 664.
H 1045 Small Business Investment Companies (Ch. 914) ..... 892, 899.
H 1048 Canton Extraterritorial Powers (Haywood) (Ch. 301) ..... 394, 398.
H 1049 Industrial Development/Property Taxes
(Ch. 511) ..... 465, 470, 561, 578, 586, 595.
H 1050 Continue Property Tax Study (Ch. 838) ..... 605, 649, 850, 871.

H 1052 Memorializing Thomas J. Baker (Res. 26).....550, 559.
H 1056 Certificate of Need Modification (reref Appr Com).....466, 611.
H 1061 Towing Cars Rewrite (Ch. 420).....437, 464, 475, 541.
H 1062 Self-Dealing Defined (Ch. 544)..... 490, 571, 608, 619, 627.
H 1066 Unauthorized Public Purchase (Ch. 512).....454, 571, 586, 595.
H 1069 Readable Insurance Policies Extension
(Spec W & M Com/see H 1142-Ch. 905) ..... 798.
H 1070 Election Judges Duty Clarified (Ch. 553) ..... 448, 604, 619, 626, 634.
H 1072 Juvenile Law — Study Comn. — Funds
(Ch. 910) .....884, 888, 890, 892.
H 1075 Child Day-Care Regulations (Ch. 612).....454, 647, 663, 672.
H 1076 Security Deposit $500 (Ch. 691).....684, 709, 719, 752.
H 1077 Suppression of Prior Convictions (Ch. 513).....478, 571, 586, 595.
H 1080 Sabbatical Leave for Teachers (Rules Com)..... 651.
H 1081 Lenoir/Stokes Hospitals (unf rpt) ..... 478, 556, 649.
H 1083 LRC — Study/St. Gov. Risk Mgt.
(reref Appr Com/see H 1142-Ch. 905) .....490, 564.
H 1086 Abolish Board of Human Resources (Ch. 494).....479, 562, 578, 587.
H 1087 Onslow Memorial Hospital (unf rpt)..... 479, 560, 649.
H 1089 ABC Permits At Community Theatres
(Ch. 583) ..... 490, 603, 619, 626, 655.
H 1090 Regulate Tandem Trailers (Ch. 898).....791, 812, 836, 886.
H 1092 Rural Fire Good Samaritan (Ch. 520).....479, 556, 567, 609.
H 1093 Auto Makers Responsibility (Ch. 598) ..... 490, 560, 621, 652, 664.
H 1099 Tax Credit for Gleaned Crops (Fin Com) ..... 592.
H 1104 Extraterritorial Zoning Representation (Ch. 584)..... 479, 613, 626, 655.
H 1108 Workers' Comp — Waiting Period (Ch. 599) .....552, 622, 633, 664.
H 1111 Attorney Fees Clarification (J II Com) ..... 605.
H 1112 Drivers License Examiners Register Voters (Ch. 854) .....858, 871.
H 1114 State Bd. Selects Annual Test Type (Ch. 627) .....605, 657, 671, 679.
H 1116 Small/Minority/Women Contract Awards
(Ch. 692) .....538, 580, 650, 663, 682, 704, 752.
H 1117 Securities Act Amendments
(Ch. 817) ..... 552, 757, 782, 792, 855.
H 1118 Odometer Fraud Felony (W & M/Transp Com)..... 592.
H 1119 Construction Bond/Threshold
(Ch. 818/see also H 1189)..... 824, 835, 836, 845, 855.
H 1122 New Technology Jobs Act (S 534)
(Ch. 899/see H 1142-Ch 905)..... 858, 872, 887.
H 1126 Western Agriculture Center in Business (Ch. 476)..... 484, 556, 567, 579.
H 1127 Student Interns for Appellate Courts (Ch. 710) .....630, 748, 763, 774.
H 1129 Retirement Rights/Marital Property (S 537)
(Ch. 758) .....798, 800, 804, 810.
H 1130 Rape Victim Assistance Clarified
(Ch. 715) ..... 630, 748, 763, 773, 783.
H 1132 Lynn Inc./Tryon Boundary (Polk) (Ch. 600).....605, 640, 654, 664.
H 1135 Bd. of Gov. Nomination/Election
(Res. 37).....466, 471, 667, 679, 721, 754, 765.
H 1137 Hearing Impaired Program Positions (Ch. 856).....858, 871.
H 1139 Township Beer & Wine Profit Distribution
(Ch. 650) ..... 630, 666, 678, 697, 705.
H 1140 Bass Netting in Tar River
(Ch. 555) ..... 552, 563, 578, 594, 634.
H 1142 Railroad Study Extended (Ch. 905) .....583, 649, 873, 887.

H 1143 Discovery By Criminal Defendant (Ch. 759)..... 798, 800, 804, 810.
H 1144 No Fault Divorce
(Ch. 613-see S 313-Ch 923)..... 622, 640, 654, 663, 672.
H 1147 Homeowner's Permit to $10,000
(Ch. 614)..... 565, 620, 633, 638, 672.
H 1153 Sale of Windmill on Howard's Knob (Watauga)
(Rules Com/see also H 1276)..... 477.
H 1154 Joint Session/State Personnel Comn — Confirmation
(Res. 28)..... 490, 555, 564, 578, 587, 597.
H 1155 Wiring/Electrical Contracting (S 545) (Mfg, L & C Com)..... 637.
H 1156 Historic Property Tax Exempt (Ch. 693)..... 669, 708, 719, 752.
H 1157 Comm. College/State Board Election (Res. 23)..... 472, 480.
H 1160 Public Telecommunications Employees (Ch. 666)..... 637, 692, 704, 714.
H 1161 Com. on Art in State Buildings Funds (Ch. 862)..... 859, 881.
H 1162 Administration of School Bus System (S 547) (Ed. Com)..... 622.
H 1165 Catawba Memorial Hospital (Loc Gov Com)..... 592.
H 1167 Filing Affidavits for Small Estates (Ch. 711)..... 615, 748, 763, 775.
H 1169 Study — Agric/Forestry/Seafood Awareness (S 624) (Ch. 915)... 892, 899.
H 1173 Prisoner Escapes Rewrite (Ch. 694)..... 684, 692, 704, 752.
H 1176 Schools May Borrow Library Films
(Ch. 819)..... 592, 621, 633, 845, 855.
H 1177 NC Purchase Registry (Ch. 839)..... 615, 692, 850, 871.
H 1184 Memorializing Marion D. Thorpe (S 563) (Res. 38)..... 675, 687.
H 1185 Recodification Draft/Hospitals — Mentally Disordered
(Res. 50)..... 859, 881.
H 1189 Water/Sewer Construction Bond Threshold
(Ch. 820-see also H 1119)..... 771, 835, 836, 845, 855.
H 1191 Bed and Breakfast Exemption
(Ch. 884)..... 641, 757, 782, 817, 831, 833, 839, 881.
H 1192 Jury Instructions Conference
(Ch. 635)..... 630, 658, 671, 678, 687.
H 1196 State Fire Commission Membership (Ch. 840)..... 676, 760, 850, 871.
H 1197 Workers' Compensation Security Fund (Ch. 628)..... 630, 659, 671, 679.
H 1198 Hunting Exotic Species Prohib. (Ch. 615)..... 630, 647, 663, 672.
H 1199 County Commissioners — Position Clarification
(Ch. 651)..... 630, 683, 697, 706.
H 1201 Use-Value Classification/Agric Land
(Ch. 821)..... 694, 768, 811, 831, 844, 855.
H 1202 Property Tax Commission Appeal (Ch. 565)..... 592, 621, 633, 639.
H 1206 Brunswick Co. School Buses Use (Ch. 647)..... 623, 683, 697, 706.
H 1211 Congress/Open Channel Oregon Inlet (S 572)
(Res. 48)..... 660, 795, 824, 841.
H 1213 Taking Depredating Deer
(reref J III/Law Enf C & J Com)..... 630, 693.
H 1214 Court Appearance Waiver/Wildlife
(Ch. 586)..... 574, 629, 638, 645, 655.
H 1215 Methaqualone/Schedule I Substance (Ch. 695)..... 631, 690, 704, 752.
H 1219 Insurance Department Computer (Ch. 861)..... 859, 881.
H 1221 Limited Partnership Debt Exemption (S 577)
(Ch. 719)..... 641, 657, 678, 707, 756, 769, 783.
H 1222 Fire/Rescue Districts Services
(Ch. 642)..... 631, 667, 678, 687, 698.
H 1226 City Ordinance Introduction (Ch. 696)..... 623, 658, 679, 752.

H 1227 Clerks Administer Oaths (Ch. 648) ..... 641, 658, 671, 706.
H 1228 Child Support/Custody (Ch. 587) ..... 623, 640, 654, 664.
H 1229 Make-Up Artists Exemption (St Gov Com) ..... 631.
H 1231 Inter-city Transportation Funds (Ch. 616) ..... 605, 650, 663, 672.
H 1237 County Election Supervisor Removal (Ch. 697) ..... 651, 692, 704, 752.
H 1239 Property Disposal/Condemned Bldgs. (Ch. 698) ..... 641, 709, 720, 752.
H 1240 Legislative Communication Confidential (Ch. 900) ..... 832, 862, 872, 887.
H 1241 Sheriff Vacancy (Richmond) (Ch. 649) ..... 631, 683, 697, 706.
H 1245 Industrial Commission Rule Making (Rules Com) ..... 651.
H 1249 Bakersville Annexation (Mitchell)
(Ch. 660) ..... 637, 683, 697, 704, 714.
H 1253 Legislative Bribery (Ch. 780) ..... 637, 795, 824, 841.
H 1254 Elec. Officials' Appt. Date Change (S 606)
(Ch. 617) ..... 656, 661, 672.
H 1258 Testimony by Spouses/Civil Cases (tabled) ..... 660, 715, 751, 763.
H 1260 Tech. Corrections/Rape Indictment
(Ch. 720) ..... 623, 690, 705, 724, 756, 766, 783.
H 1261 Workers Comp./10 or More Farm Workers (Spec W & M Com) ..... 842.
H 1263 Bertie-Martin Regional Jail Expanded (Ch. 716) ..... 669, 759, 773, 783.
H 1266 Trailer Converters — Registration Exempt
(Ch. 732) ..... 717, 777, 793, 794.
H 1272 DA Notified by Parole Commission (Spec. W & M Com) ..... 717.
H 1273 Abolish Earth Resources Council (Ch. 667) ..... 642, 690, 705, 714.
H 1277 Fort Caswell Planning (Ch. 743) ..... 694, 759, 773, 810.
H 1283 Water System Dedication Regulations (Spec W & M Com) ..... 685.
H 1284 Reg. of Deed/Computer Indexes (Ch. 699) ..... 660, 709, 720, 752.
H 1285 Indigent Defense Program Regulations
(recom Spec W & M Com) ..... 717, 749, 764.
H 1287 City/County Public Hearings (Spec W & M Com) ..... 676.
H 1288 Commu. Dev./Block Grant Funds (Person) (Ch. 566) ..... 631, 639.
H 1289 Memorializing Marion Allen Wright (Res. 40) ..... 694, 700, 712, 720.
H 1295 Sunset/Governor's Boards/Exec. Order (Ch. 733) ..... 717, 777, 793, 794.
H 1302 Charlotte Firemen's Retirement
(Ch. 767) ..... 761, 768, 795, 815, 828.
H 1306 Workers Comp./Dividends Employer Groups
(Ch. 728) ..... 717, 760, 773, 783.
H 1307 Education Policy Council Established (S 630)
(Ch. 860) ..... 859, 882.
H 1308 LRC — Study/Comm Colleges Local Financing
(reref Appr Com) ..... 676, 692.
H 1309 LRC — Study/Animal Disposition at Pounds
(reref Appr Com/see H 1142-Ch. 905) ..... 701, 760.
H 1314 City Property Private Sale (Ch. 797) ..... 694, 800, 824, 841.
H 1316 Harboring Parole Violators (unf rpt) ..... 676, 700, 807.
H 1318 Gov.'s Waste Mgt. Board Membership (Ch. 859) ..... 762, 768, 850, 882.
H 1319 Consumer Protection Changes (Ch. 721) ..... 710, 760, 774, 783.
H 1321 LRC — Study/Exec Boards, Commissions & Councils
(reref Appr Com/see H 1142-Ch. 905) ..... 717, 778.
H 1326 Limited Driving Privilege
(Ch. 798) ..... 717, 787, 805, 822, 841.
H 1329 Community Centers Mentally Retarded Funds
(Ch. 885) ..... 859, 882.

H 1330 Notice of Sale Posting (Ch. 799) ..... 771, 811, 837, 841.
H 1331 G. S. Technical Amds./Omnibus (Ch. 768)..... 750, 768, 782, 828.
H 1332 DWI School/County of Residence (Spec W & M Com) ..... 711.
H 1334 LRC — Study/Dist. Facility — Dix Farm
(reref Appr Com/see H 1142-Ch. 905) ..... 717, 778.
H 1342 Center-Fire Rifles (Harnett) (Ch. 791)..... 717, 821, 829, 841.
H 1343 Artwork on Consignment Protected (Ch. 822)..... 780, 800, 824, 855.
H 1344 Nursing Home Administrators Qualifications
(Ch. 737) ..... 701, 748, 764, 794.
H 1345 Administrative Procedures Act/Revision
(Res. 51)..... 669, 759, 774, 776, 796, 805, 887.
H 1346 Crop Seed Certification (Ch. 800) ..... 701, 835, 837, 841.
H 1347 Out-of-State Barber License (Spec W & M Com)..... 717.
H 1352 Partition Sales Procedure (Spec W & M Com) ..... 842.
H 1353 School Consolidation (Ch. 752)..... 780, 788, 805, 810.
H 1354 Subpoena Law/Documentary Evidence (Ch. 722) ..... 701, 760, 774, 783.
H 1356 Abuse of Disabled Adult (Ch. 901) ..... 791, 873, 887.
H 1360 Memorializing John Coltrane (Res. 44)..... 717, 749, 764, 775.
H 1363 Cultural Resources Com. Abolished
(failed to remove from table) ..... 780, 788, 808.
H 1365 Utilities Comm/Powers & Duties (Spec. W & M Com) ..... 791.
H 1366 Depositions Rule Amendment/Oral Exam (Ch. 801).... 771, 835, 837, 841.
H 1367 Probation Condition Technical Amendments
(Ch. 712) ..... 717, 749, 764, 775.
H 1368 Use Value/5 Acre Tracts
(Ch. 826) ..... 717, 749, 852, 853, 860.
H 1369 Mooresville School Dist Enlarged (Iredell)
(reref St Gov Com)..... 717, 788.
H 1371 Moderate Income Housing (Ch. 769)..... 718, 788, 805, 828.
H 1374 Prima Facie Rule/Parking (Ch. 753)..... 780, 788, 805, 810.
H 1379 Criminal Code Revision Study Com.
(Ch. 921) ..... 884, 888, 890, 891, 899.
H 1380 LEO Minimum Salary Act Repeal (Ch. 781) ..... 791, 796, 824, 841.
H 1382 Credit Union Retirement Option (S 667)
(Ch. 782) ..... 780, 795, 824, 841.
H 1383 Inactive Hazardous Disposal Sites (Spec W & M Com)..... 791.
H 1384 Licensed Drivers List/Jury Selection (Ch. 754)..... 780, 788, 805, 810.
H 1385 Memorializing Claude DeBruhl (Res. 45)..... 779, 793.
H 1386 UNC Escheat Receipts (Spec. W & M Com)..... 842.
H 1387 Drift Hunting (Edgecombe) (Ch. 747) ..... 718, 788, 801, 810.
H 1388 Community Development Funds (Person) (Ch. 734).... 718, 778, 793, 794.
H 1392 Community Service/Safe Roads Amend. (Spec W & M Com) ..... 815.
H 1393 Gastonia Policemen's Pension Fund (Gaston)
(Ch. 809) ..... 832, 837, 838, 841.
H 1394 Validate Foreclosure Sales — 2 (Ch. 738)..... 762, 778, 793, 794.
H 1395 Grants/Certificates of Need (Ch. 858)..... 859, 882.
H 1398 Applicant for Receiver Give Bond (Spec W & M Com)..... 780.
H 1400 Teacher Tenure Amendments (Ch. 770)..... 762, 788, 805, 828.
H 1401 Henderson County Jail Operation
(Ch. 771) ..... 718, 768, 782, 828.
H 1402 Sale of Industrial Property (Wilson) (Ch. 748)..... 718, 788, 801, 810.
H 1403 Motor Club Sales Agents (S 658) (Ch. 802) ..... 798, 835, 837, 841.
H 1404 LRC — Study Interstate Water Resources Issues
(reref Appr Com/see H 1142-Ch. 905) ..... 718, 768.

H 1405 Rule Against Perpetuities
(Calendared 1984 Session) ..... 834, 889, 890.
H 1409 Lynn Inc. Special Election (Polk)
(Ch. 744-see H 1132) ..... 750, 760, 774, 810.
H 1411 Memorializing Julian Hawley Poole (Res. 46) ..... 779, 793.
H 1415 Elected City Official Vacancy–Term (Ch. 827) ..... 834, 851, 854, 860.
H 1419 Protection of Borrower's Insurance Infor
(Ch. 831) ..... 780, 785, 812, 837, 860.
H 1420 Property Tax/Municipal Drainage
(Ch 828) ..... 800, 808, 828, 844, 853, 860.
H 1433 Airport Property Condemnation (Person)
(Ch. 829) ..... 779, 828, 843, 852, 860.
H 1443 Butner Public Safety Dist.
(Ch. 830) ..... 801, 808, 828, 843, 853, 860.
H 1451 Navigation & Pilotage Commission (Sp W & M Com) ..... 832.
H 1456 Licensing Boards Report (Sp W & M Com) ..... 869.
H 1458 Room Occupancy Tax (Forsyth) (Fin Com) ..... 860.
H 1460 Budget Act Conforming Change (Ch. 803) ..... 832, 835, 837, 842.
H 1463 Alarm Systems — Licensing Act (Ch. 810) ..... 836, 842.
H 1464 Equitable Pension Distribution Date
(Ch. 811-see H 1129) ..... 835, 838, 842.
H 1465 Junkyard Control (Dare/Columbus) (Ch. 841) ..... 835, 851, 853, 871.
H 1466 Property Tax Discount (Cabarrus) (Ch. 823) ..... 851, 855.
H 1468 Clarify Procedure — Filing Temporary Rules
(Ch. 857) ..... 860, 882.
H 1469 Appointments by Speaker of House (Ch. 886) ..... 861, 882.
H 1471 Wilmington Firemen's Pensions (New Hanover)
(Ch. 906) ..... 885, 887.
H 1472 Reidsville Property Sale (Rockingham) (Ch. 893) ..... 874, 887.
H 1473 Repeal Satisfied Conditions (Ch. 907) ..... 885, 887.
H 1475 Employees' Medical Plan Amd — 2 (Ch. 922) ..... 897, 899.
H 1476 Additional Approp. for Various Local Projects
(Ch. 928) ..... 902, 907.

ALPHABETICAL INDEX

ALPHABETICAL INDEX

—A—

ABC—see Alcoholic Beverage Control
Abortion—see Appropriations (Budget)
Absence, leave of—see individual Senator
Accountant—see Public Accountant
Addendum..... 911.
Adjournment—see General Assembly
Administration of Estates—see Estates
Administrative Procedure
Act Rewrite Started
H 1345 (Res. 51) ..... 669, 759, 774, 776, 796, 805, 887.
Agency Rules Legislative Approval
H 524 (Ch. 883) ..... 394, 759, 772, 776, 795, 804, 881.
Department Rules/Policies Authority
S 47 (Ch. 76)..... 48, 91, 97, 171.
Mental Health Funding Appeals Process
S 6 (Ch. 5)..... 31, 36, 39, 69.
Temporary Rules Certification
H 1468 (Ch. 857) ..... 860, 882.
Adoption—see Child Welfare
Advertising
Newspaper/Local Government Sales Tax
S 558 (Fin Com)..... 490.
Newspaper Supplements Sales Tax Exempt
S 461 (Ch. 873)..... 370, 811, 831, 880.
Advisory Budget Commission
Bond Issues/Separation of Powers Recommendation
H 193 (Ch. 577) ..... 378, 602, 616, 642, 655.
Membership Expanded
H 25 (Ch. 48) ..... 87, 108, 113, 117.
Aeronautics
Aeronautics Council Appointments
H 815 (Ch. 325) ..... 342, 399, 408, 417, 425.
Public Airport Financial Aid
H 764 (Ch. 319) ..... 355, 399, 408, 417.
Aged
Advisory Council Membership
S 19 (St Gov/Sr Citz Com)..... 33.
H 43 (Ch. 40) ..... 67, 91, 97, 106.
Craven Elderly Screening Funds
S 460 (Appr Com) ..... 365.
Day-Care Adult Program, State
S 552 (Ch. 876/see S 313-Ch 923)..... 472, 848, 881.
Domiciliary Home Peer Review
S 595 (Hum Res Com) ..... 573.
H 1028 (Ch. 816) ..... 592, 829, 845, 855.
Elderly "Life Care" Study—LRC
S 657 (reref Appr Com/see H 1142-Ch 905)..... 710, 748.

Aged (continued)
Governor Appoint Elderly Request
S 15 (H 41) (Res. 11)..... 33, 77, 81, 279.
Parent-support Income Tax Deduction
S 21 (H 45) (Fin Com) ..... 34.
School Bus Use
S 20 (St Gov/Sr Citz Com)..... 33.
H 47 (St Gov/Sr Cit Com) ..... 884.
Agriculture
Agricultural Commodity Ass'n Recover Audit Costs
H 1008 (Ch. 395) ..... 401, 453, 462, 469.
Agricultural Facilities Finance Agency Created
H 910 (Ch. 789) .....630, 800, 818, 830, 841.
Agriculture/Forestry/Seafood Study
S 624 (Rules Com)..... 614.
H 1169 (Ch. 915) .....892, 899.
Alien Land Purchases Restricted
S 596 (H 1247) (Agric Com)..... 581.
Animal Disease Diagnostic Center Funds
S 679 (Appr Com) ..... 790.
Apiculturist Funds—NCSU
S 414 (H 928) (Appr Com)..... 318.
Boll Weevil Eradication Program
S 131 (Ch. 136).....93, 105, 110, 143, 151, 233.
Business Opportunity Sales/Consignments
S 40 (H 162) (Ch. 421) .....45, 411, 418, 427, 437, 541.
Consent to State Board Member .....42, 325.
Crop Default Laws/Repeal
H 38 (Ch. 623) ..... 477, 628, 643, 679.
Crop Seed Certification/Fees/Prices
H 1346 (Ch. 800) ..... 701, 835, 837, 841.
Facility Projects Revenue Bonds/Constitutional Amendment
H 909 (Ch. 765) .....630, 794, 802, 816, 827.
Fairgrounds/Farmers Market Maintenance Funds
S 498 (Appr Com) ..... 414.
Farm Product Lien Study—LRC
S 622 (Res. 53).....614, 715, 723, 893, 901.
Farm Products Security Interests
S 483 (J I Com) ..... 394.
Farm Vehicle Weight Limits
S 185 (Ch. 407).....154, 280, 288, 473, 479, 485.
Farmer's Market (Dix Farm) Study—LRC
H 1334 (reref Appr Com/see H 1142-Ch. 905).....717, 778.
Fertilizer Law Amendments
S 153 (Ch. 146).....109, 163, 171, 176, 258.
Gasohol From Waste Products Tax Exemption
S 666 (Ch. 760).....761, 767, 809.
Gleaned Crops Income Tax Credit
H 1099 (Fin Com) ..... 592.
Grain Scale Uniform Tickets Required
S 494 (Ch. 482)..... 406, 453, 461, 579.
Hatchery/Chick Dealer Amendments/Fees
S 221 (Ch. 290).....187, 207, 244, 256, 387.

Agriculture (continued)
Land Valuation
H 1201 (Ch. 821) ..... 694, 768, 811, 831, 844, 855.
Littering From Farm Product Vehicle
S 685 (Ch. 890) ..... 814, 820, 833, 881.
Livestock Security Interests
S 676 (recom Sp W&M Com) ..... 790, 796, 822, 832, 845.
Market Development/Western NC
H 1017 (Ch. 852) ..... 858, 871.
Metrology Lab—Upgrading/Certification
S 493 (Appr Com) ..... 405.
Migrant Worker County Reimbursement for Necessary Services
S 164 (Appr Com) ..... 116.
Milk Assessment Repeal Urged
S 178 (Rules Com) ..... 149.
NCSU Programs Funds
S 484 (H 1046) (Appr Com) ..... 394.
Peanut Belt Research Station Irrigation System
S 491 (Appr Com) ..... 400.
Peanuts/Meat—Martketing/Grading Provisions Repealed
S 220 (Ch. 248) ..... 187, 207, 216, 344.
Pest Control/Privilege License Tax Exempt
S 152 (Ch. 193) ..... 109, 212, 221, 308.
Public Health Law Revision
S 141 (H 318) (Ch. 891) ..... 100, 542, 580, 592, 606, 761, 767, 788, 808, 862, 868, 880.
Reidsville Research Station Funds
S 449 (Appr Com) ..... 353.
Rollins Animal Disease Diagnostic Lab Funds
S 541 (Appr Com) ..... 471.
Sweet Potato Research Funds
S 528 (Appr Com) ..... 436.
Swine/Poultry/Livestock Equipment Sales Tax
S 626 (Ch. 805) ..... 622, 666, 677, 686, 840.
Tillage Equipment Tax Credit
H 541 (reref Fin Com) ..... 701, 749, 777.
Tobacco/Bright Leaf Hoedown Funds
S 400 (H 867) (Appr Com) ..... 304.
Tobacco Festival Funds
S 287 (H 672) (Appr Com/see S 313-Ch 923) ..... 226.
Western Agriculture Center in Business
H 1126 (Ch. 476) ..... 484, 556, 567, 579.
Witchweed Quarantine Funds
S 512 (Appr Com) ..... 422.
Worker's Compensation/Ten-Worker Farms
H 1261 (Spec W&M Com) ..... 842.
Yam Growers Assessment
H 427 (Ch. 246) ..... 242, 268, 302, 314, 320, 345.
Air—see Natural & Economic Resources (Pollution Control)
Air Flight Anniversary—see Appropriations (Celebration)
Airport—see Aeronautics; Individual County

Alamance County—District 21—Senator Cary D. Allred
Annexation Moratorium
S 347 (Loc Gov Com) ..... 274.
Alarm Systems—see Law Enforcement; Taxation
Alcoholic Beverage Control—see also Individual County
ABC Elections by Township
H 247 (Ch. 113) ..... 162, 185, 195, 201, 222.
ABC Elections/Special Occasion Permits
H 893 (Ch. 457) ..... 365, 492, 559, 912.
ABC Permits/Community Theaters
H 1089 (Ch. 583) ..... 490, 603, 619, 626, 655.
Beer/Wine
Drinking Age Raised
S 207 (reref Appr Com) ..... 173, 358, 371.
Profit Distribution/Township
H 1139 (Ch. 650) ..... 630, 666, 678, 697, 705.
School Property Prohibition
S 682 (Ch. 917) ..... 797, 811, 832, 897, 898.
Breathalyzer
Refusal/License Revocation
H 121 (Ch. 87) ..... 109, 173, 180, 183.
DWI/School Attendance in Own County
H 1332 (Spec W&M Com) ..... 711.
Fake Licenses/Alcohol/DMV Officers
S 298 (Ch. 629) ..... 232, 341, 355, 359, 488, 539, 557, 679.
Inspections by Local Agents
S 93 (J III/Law Enf & CJ Com) ..... 70.
Liquor Sale ID Defense
H 315 (Ch. 740) ..... 415, 748, 772, 809.
Safe Roads Act (DWI/Dram Shop/Beer Age)
S 1 (H 1) (Ch. 435) ..... 24, 83, 90, 139, 147, 150, 162, 226, 245, 501, 542, 548.
Safe Roads Act Amendment
H 1392 (Spec W&M Com) ..... 815.
Shooting Contests at ABC Sites Prohibited
S 587 (H Rules Com) ..... 564, 602, 617, 640, 661, 677.
Tavern Admittance to Minor Prohibited
S 625 (unfav rpt) ..... 614, 658.
Taxation
Sacramental Wine Tax Refund
H 130 (Ch. 792) ..... 716, 835, 836, 840.
Tax Increased/Revenue Distribution
S 3 (Fin Com) ..... 27.
Wine from North Carolina Grapes
S 134 (recom Fin) ..... 95, 708, 723.
Warning Label Study—LRC
S 593 (reref Appr Com) ..... 573, 692, 712.
Wine Franchise Agreements
S 144 (H 313) (Ch. 85) ..... 100, 112, 113, 170, 175, 181.
Alexander County—District 26—Senator Cass T. Ballenger
Senator William W. Redman, Jr.
Hospitals Garnish
H 1165 (Loc Gov Com) ..... 592.

Alford, Dallas L., Jr.—Senator **Nash** (part), Wilson—**10th District**
Absent With Leave....234, 251.
Adjournment Motion....32, 206, 680.
Certificate of Election....5.
Committee: Assignments....14, 15, 19, 22, 23.
Standing—Appropriations/Natural and Economic Resources (Chairman)
Ways and Means/Transportation (Vice-Chairman)
Appropriations—Banking—Base Budget—Pensions and Retirement—Ways and Means.
Funeral Delegate (Bundy)....36.
Oath of Office....7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor....37, 44, 247, 369, 644, 678.
Co-Sponsor....36, 76, 79, 108, 128, 136, 144, 154, 177, 206, 207, 259, 374, 412, 414, 415, 424, 471, 484, 536, 538, 539, 564, 570, 589, 593, 596, 631, 643, 653, 676, 690.
Endorsement Removed....111.
Alien
Land Purchases Restricted
S 596 (H 1247) (Agric Com)....581.
Alimony—see Married Persons (Divorce)
Alleghany—District 24—Senator Conrad R. Duncan, Jr.
Senator George W. Marion, Jr.
Fence Expense/Neighbors Share
H 782 (reref Loc Gov)....437, 487, 715.
Junkyard Control
H 1465 (Ch. 841)....835, 851, 853, 871.
Pawnbrokers Permitted
S 405 (Ch. 382)....312, 328, 337, 447, 455, 463.
Allred, Cary D.—Senator **Alamance**, Caswell—**21st District**
Absent With Leave....477, 656, 665, 706, 714, 721.
Adjournment Motion....89, 316, 446.
Certificate of Election....6.
Committee: Assignments....16, 17, 20, 21, 22, 47, 218.
Standing—Finance—Judiciary I—Public Utilities and Energy—State Government—State Government/Election Laws—Ways and Means.
Select—Senate Bills 165, 445 — House Bills 683, 723, 869, 1003.
Minority Whip....25.
Oath of Office....7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor....96, 114, 162, 283, 347, 399, 400, 465, 501, 502, 535, 581, 587.
Co-Sponsor....1, 36, 42, 63, 107, 117, 128, 131, 133, 136, 144, 150, 157, 161, 177, 178, 179, 206, 259, 295, 323, 374, 393, 413, 424, 426, 429, 430, 471, 513, 537, 538, 596, 631, 653.
Allsbrook, Julian R.—Senator Edgecombe (part), **Halifax**, Warren—**6th District**
Absent With Leave....36, 157, 161.
Adjournment Motion....664.

Allsbrook, Julian R. (continued)
Certificate of Election ..... 5.
Committees: Assignments ..... 14, 17, 20, 22, 218.
Standing—Judiciary I (Chairman)
Public Utilities and Energy (Vice-Chairman)
Appropriations—Appropriations/General Government—Base Budget—Human Resources—Rules and Operation of the Senate—Ways and Means.
Select—SB 165, 445; HB 683, 723, 869, 1003.
Conference—
HB 53 ..... 681, 755.
HB 905 ..... 769, 806.
HB 1260 ..... 724, 756.
Journal Motion ..... 680.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 24, 72, 75, 148, 151, 241, 390, 521, 629, 662, 664, 694, 700.
Co-Sponsor ..... 29, 36, 64, 76, 96, 116, 117, 131, 136, 206, 374, 393, 412, 429, 430, 471, 513, 538, 539, 564, 570, 589, 596, 653.
Ambulances—see Motor Vehicles (Emergency)
Animals—see also Agriculture: Natural and Economic Resources
Disposition by Animal Pound
H 376 (Ch. 834) ..... 815, 820, 833, 837, 870.
Disposition Study—LRC
H 1309 (reref Appr Com/see H 1142-Ch. 905) ..... 701, 760.
Larceny Punishable as Felony/Misdemeanor
S 72 (Ch. 35) ..... 56, 63, 66, 98.
Police Animal Injury Classified Crime
H 918 (Ch. 646) ..... 544, 659, 670, 705.
Annexation—see Local Government
Anson County—District 17—Senator Robert B. Jordan III
Senator Aaron W. Plyler
Apiculturist—see Agriculture
Appendix ..... 915.
Appointments—see also General Assembly; Individual Member
Attorney General
Criminal Justice Education/Training Standards
S 642 (Ch. 807) ..... 675, 691, 702, 712, 840.
Governor
Administrative Rules Review Commission
H 810 (Ch. 927) ..... 335, 537, 547, 566, 759, 773, 776, 795, 821, 836, 884, 902, 903, 904, 907.
Advisory Budget Commission
H 25 (Ch. 48) ..... 87, 108, 113, 117.
Aeronautics Council
H 815 (Ch. 325) ..... 342, 399, 408, 417, 425.
Agricultural Facility Finance Agency
H 910 (Ch. 789) ..... 630, 800, 818, 830, 841.

Appointments (continued)
Governor (continued)
Agriculture/Forestry/Seafood Study
S 624 (Rules Com)..... 614.
H 1169 (Ch. 915)..... 892, 899.
Alarm Systems Licensing Board
H 709 (Ch. 786)..... 591, 699, 719, 767, 782, 792, 801, 841.
Banking Commission Increased
S 117 (Ch. 328)..... 84, 148, 159, 282, 310, 347, 404, 420, 434.
Coastal Resources Commission Composition
S 284 (reref Appr Com)..... 226, 230, 611.
Council on Aging
H 43 (Ch. 40)..... 67, 91, 97, 106.
Courts Commission
H 905 (Ch. 774)..... 447, 667, 686, 769, 806, 826, 827.
Children With Special Needs Commission—1
S 52 (unf rpt)..... 50, 874.
Children With Special Needs—2
S 59 (Ch. 863)..... 53, 77, 846, 880.
Crime Commission Include Clerk of Court
S 650 (H Rules Com)..... 693, 700, 713.
Crime Victim's Compensation Commission
H 177 (Ch. 832)..... 335, 411, 689, 849, 870.
Criminal Justice Education/Training Standards
S 642 (Ch. 807)..... 675, 691, 702, 712, 840.
Criminal Justice Information System/Computerized Records
H 935 (Ch. 825)..... 832, 851, 853, 860.
Disability Review Commission
S 570 (Ch. 880)..... 543, 561, 848, 881.
Elderly Equal Representation Request
S 15 (H 41) (Res. 11)..... 33, 77, 81, 279.
Employment and Training Program
S 464 (H Rules Com)..... 370, 691, 712.
Fiscal Planning and Accountability Commission
S 659 (reref Appr Com)..... 710, 768.
Geologists, N.C. Board for Licensing
S 555 (H Rules Com)..... 489, 799, 822.
Housing Commission, N.C. Created
H 265 (Ch. 778)..... 701, 749, 817, 823, 840.
Human Relations Council
H 702 (Ch. 461)..... 354, 549, 558, 568.
Landscape Contractor's Registration Board
H 256 (Ch. 108)..... 141, 185, 195, 202, 206.
Midwifery Committee, Joint
H 814 (Ch. 897)..... 815, 820, 852, 854, 872, 886.
Occupational Therapy, N.C. Board
S 436 (H Rules Com)..... 342, 387, 700, 810, 831, 843.
Osteopathic Examination and Registration Board
H 213 (Ch. 107)..... 141, 185, 195, 201, 206.
Practicing Counselors, State Board of Examiners
S 553 (Ch. 755)..... 477, 555, 560, 575, 779, 787, 805, 809.
Property Tax System Study Commission
H 1050 (Ch. 838)..... 605, 649, 850, 871.

Appointments (continued)
Governor (continued)
Public Education Policy Council
S 630 (reref Appr Com) ..... 629, 699, 719.
H 1307 (Ch. 860) ..... 859, 882.
State Building Commission
S 651 (H Rules Com) ..... 693, 766, 893, 899, 900.
Technological Development Authority
S 534 (reref Appr Com) ..... 459, 573.
H 1122 (Ch. 899/see H 1142-Ch 905) ..... 858, 872, 887.
Watchmaking and Repairing Examiners
S 477 (Fin Com) ..... 385.
Lieutenant Governor/Speaker of the House
Administrative Rules Review Commission
H 810 (Ch. 927) ..... 335, 537, 547, 566, 759, 773, 776, 795, 821, 836, 884, 902, 903, 904, 907.
Agriculture/Forestry/Seafood Study
H 1169 (S 624) (Ch. 915) ..... 892, 899.
Banking Commission Increased
S 117 (Ch. 328) ..... 84, 148, 159, 282, 310, 347, 404, 420, 434.
Children with Special Needs Commission—1
S 52 (unf rpt) ..... 50, 874.
Children with Special Needs Commission—2
S 59 (Ch. 863) ..... 53, 77, 846, 880.
Courts Commission
H 905 (Ch. 774) ..... 447, 667, 686, 769, 806, 826, 827.
Crime Victim's Compensation Commission
H 177 (Ch. 832) ..... 335, 411, 689, 849, 870.
Criminal Code Study Committee Established
H 1379 (Ch. 921) ..... 884, 888, 890, 891, 899.
Criminal Justice Information System/Computerized Records
H 935 (Ch. 825) ..... 832, 851, 853, 860.
Disability Review Commission
S 570 (Ch. 880) ..... 543, 561, 848, 881.
Employment/Training Programs Study
S 463 (Rules Com) ..... 370.
Employment and Training Program
S 464 (H Rules Com) ..... 370, 691, 712.
Fiscal Planning and Accountablity Commission
S 659 (reref Appr Com) ..... 710, 768.
Hazardous Waste Study Commission
S 701 (Ch. 926) ..... 870, 894, 901, 907.
Housing Commission, N.C.
H 265 (Ch. 778) ..... 701, 749, 817, 823, 840.
Human Relations Council
H 702 (Ch. 461) ..... 354, 549, 558, 568.
Small Business Finance Study
H 1045 (Ch. 914) ..... 892, 899.
State Building Commission
S 651 (H Rules Com) ..... 693, 766, 893, 899, 900.
Technological Development Authority
H 534 (reref Appr Com) ..... 459, 573.
H 1122 (Ch. 899/see H 1142-Ch 905) ..... 858, 872, 887.

Appointments (continued)
Lieutenant Governor/Speaker of the House (continued)
Watchmaking and Repairing Examiners
S 477 (Fin Com)..... 385.
President Pro Tempore/Speaker of the House
Medical Cost Containment Commission
S 518 (Ch. 875)..... 435, 488, 847, 881.
Property Tax System Study Commission
H 1050 (Ch. 838)..... 605, 649, 850, 871.
Public Education Policy Council
S 630 (reref Appr Com).....629, 699, 719.
H 1307 (Ch. 860).....859, 882.
Separation of Powers
Compliance Omnibus/Lieutenant Governor
S 699 (Ch. 911).....862, 898.
Compliance Omnibus/Senate Pro Tempore
S 698 (Ch. 903).....861, 886.
Compliance Omnibus/Speaker of House of Representatives
H 1469 (Ch. 886).....861, 882.
Separation of Powers
H 53 (Ch. 717).....329, 589, 615, 642, 680, 755, 768, 783.
Appropriations
Accident Compensation Funds (Joyner)
S 582 (Appr Com)..... 557.
Accident Settlement (Sigmon)
S 41 (Appr Com)..... 46.
Adult Day-Care Funds
S 552 (Ch. 876/see S 313-Ch 923).....472, 848, 881.
Adult Development Activity Funds
H 478 (Ch. 882).....857, 881.
Agriculture/Forestry/Seafood Study
S 624 (Rules Com)..... 614.
H 1169 (Ch. 915).....892, 899.
Agriculture NCSU Programs Funds
S 484 (H 1046) (Appr Com)..... 394.
Andrew Jackson Memorial Funds
S 234 (Appr Com/see S 313-Ch 923)..... 199.
Animal Disease Diagnostic Funds
S 679 (Appr Com)..... 790.
Archaeological Funds/Old Richmond Courthouse
S 281 (Appr Com/see S 313-Ch 923)..... 226.
Arts
Discovery Place/Charlotte
S 85 (Appr Com/see S 313-Ch 923)..... 65.
Durham Community Arts Center Project
S 560 (Appr Com/see S 313-Ch 923)..... 490.
Gaston Art and History/Capital Improvements
S 499 (H 1084) (Appr Com/see S 313-Ch 923)..... 414.
Hickory Arts Center Funds
S 442 (Appr Com/see S 313-Ch 923)..... 347.
Martin County Players'
S 696 (Appr Com/see S 313-Ch 923)..... 842.

Appropriations (continued)
Arts (continued)
North Carolina Dance Theatre
S 360 (reref Appr Com/see S 313-Ch 923) ..... 281, 326.
Regional Arts Resources Program
S 597 (H 1259) (Appr Com/see S 313-Ch 923) ..... 581.
State Building Placement
H 1161 (Ch. 862) ..... 859, 881.
Weymouth Center Funds
S 377 (Appr Com/see S 313-Ch 923) ..... 287.
Autistic Adult Home Funds
S 612 (Appr Com/see S 313-Ch 923) ..... 590.
Autistic Adult Vocational Training Funds
S 637 (Appr Com/see S 23-Ch 761) ..... 659.
Boat Ramp
Cedar Island
S 417 (Appr Com/see S 313-Ch 923) ..... 322.
Tater Hole
S 687 (Appr Com/see S 313-Ch 923) ..... 814.
West Onslow Beach
S 305 (Appr Com/see S 313-Ch 923) ..... 246.
Budget
Agency Budgets through Executive Budget Act
S 459 (H 939) (Appr Com) ..... 365.
Capital Improvements 1983-85
S 22 (H 80) (Ch. 757/see S 313-Ch 923) ..... 34, 799, 802, 807, 809.
Conforming Change Budget Act
H 1460 (Ch. 803) ..... 832, 835, 837, 842.
Current Operations 1983-85
S 23 (H 32) (Ch. 761/see S 313-Ch 923) ..... 34, 799, 802, 814, 827.
Extension 1982/1983
S 649 (Ch. 655) ..... 684, 694, 705.
Local Government Program Costs Reflected
S 149 (H 354) (H reref Appr E Com) ..... 103, 143, 151.
Policy Review Study—LRC
S 700 (Appr Com) ..... 870.
Celebrations/Festivals
Air Flight Anniversay Funds
S 272 (Appr Com) ..... 225.
American Dance Festival Funds
S 264 (Appr Com/see S 313-Ch 923) ..... 224.
Bright Leaf Hoedown Funds
S 400 (H 867) (Appr Com/see S 313-Ch 923) ..... 304.
Brushy Mountian Apple Festival
S 81 (Appr Com/see S 313-Ch 923) ..... 65.
First Flight Society Funds
S 135 (Appr Com/see S 313-Ch 923) ..... 96.
Fourth of July (Brunswick)
S 314 (Appr Com) ..... 247.
International Folk Festival Funds
S 575 (Appr Com/see S 313-Ch 923) ..... 550.
Rhododendron Festival Funds
S 225 (H 539) (Appr Com/see S 313-Ch 923) ..... 193.

Appropriations (continued)
Celebrations/Festivals (continued)
Roanoke Island 400th Anniversay Funds
S 559 (Appr Com/see S 313-Ch 923) ..... 490.
Tobacco Festival/Southern Flue-Cured 1983
S 287 (H 672) (Appr Com/see S 313-Ch 923) ..... 226.
Child Abuse Council Created
S 291 (Ch. 894) ..... 231, 280, 362, 846, 886.
Child Abuse Medical Assessment Funds
S 510 (H 1128) (Appr Com/see S 23-Ch 761) ..... 422.
Child-Caring Institution Funds
S 179 (H 409) (Appr Com) ..... 149.
Community Colleges/Western Region Program Funds
S 232 (Appr Com) ..... 199.
Courts
Appellate Court Sit Outside Raleigh
S 129 (Appr Com) ..... 92.
Court Personnel
District Court Judge Added/12th
S 167 (Appr Com) ..... 119.
District Court Judge Added/27A
H 33 (Ch. 881) ..... 856, 881.
Superior Court Clerk Deputy/Pasquotank
S 611 (Appr Com) ..... 590.
Craven Elderly Screening Funds
S 460 (Appr Com) ..... 365.
Cultural Resources Eastern Office Funds
S 600 (Appr Com/see S 313-Gh 923) ..... 581.
Day-Care Coordination Funds, County
H 581 (Ch. 847) ..... 857, 870.
Dispute Settlement Centers
S 77 (reref Appr Com) ..... 61, 168, 180, 828, 854.
Fairgrounds/Farmers Market Maintenance Funds
S 498 (Appr Com) ..... 414.
Fiscal Accountability Study
S 659 (reref Appr Com) ..... 710, 768.
Garner Fire Department Funds
S 334 (Appr Com/see S 313-Ch 923) ..... 260.
Gaston Detention Facility Funds
S 486 (Appr Com) ..... 400.
Handicapped Children Program Fund
S 632 (Appr Com/see S 313-Ch 923) ..... 636.
Hearing Impaired Worker Funds
H 1137 (Ch. 856) ..... 858, 871.
Highway Patrol
Badges Funds
S 697 (failed 3rd rdg) ..... 842, 894, 899.
Communicators (Signal 25) Funds
S 601 (Ch. 879) ..... 581, 848, 881.
Shift Premium Pay/Sgts
S 130 (Appr Com) ..... 92.
Station (Lincoln)
S 551 (H 1159) (Appr Com/see S 313-Ch 923) ..... 472.

Appropriations (continued)
Historic Preservation
Ayden Painting Display Funds
S 296 (H 741) (Appr Com/see S 313-Ch 923) ..... 231.
Charlotte Hawkins Brown Memorial Established
S 561 (Appr Com/see S 313-Ch 923) ..... 490.
Grifton Painting Display
S 297 (H 728) (Appr Com) ..... 231.
Haywood Hall Research Funds
S 302 (Appr Com/see S 313-Ch 923) ..... 241.
Malcolm Blue Farm
S 367 (H 639) (Appr Com/see S 313-Ch 923) ..... 286.
Old Salem Funds
S 227 (Appr Com/see S 313-Ch 923) ..... 194.
Revolving Fund
S 171 (H 430) (Appr Com/see S 313-Ch 923) ..... 144.
Historic Site
Historic Halifax (Joseph Montford Facility)
S 521 (H 1220) (Appr Com/see S 313-Ch 923) ..... 436.
Thomas Wolfe Visitor Center Funds
S 548 (H 1103) (Appr Com/see S 313-Ch 923) ..... 472.
Town Creek Indian Mound
S 476 (Appr Com/see S 313-Ch 923) ..... 385.
Housing Commission Created
H 265 (Ch. 778) ..... 701, 749, 817, 823, 840.
Insurance Department Computer Funds
H 1219 (Ch. 861) ..... 859, 881.
Insurance Dept-Examination/License Fees Increased
H 1040 (Ch. 790) ..... 771, 777, 800, 819, 830, 841.
Institute of Medicine Established
S 212 (reref Appr Com/see S 313-Ch 923) ..... 179, 273.
Johnston Tech Computer Center Funds
S 673 (Appr Com) ..... 789.
Judicial Department Expansion Funds
S 325 (Appr Com) ..... 254.
Juvenile Law Study Commission Funds
H 1072 (Ch. 910) ..... 884, 888, 890, 892.
Kenly Development Funds
S 594 (Appr Com/see S 313-Ch 923) ..... 573.
License Plate Colored Covers Barred
H 974 (reref J III/Law Enf C&J Com) ..... 473, 650, 663.
Lottery Referendum Funds
S 482 (Appr Com) ..... 394.
Lutheran Family Services Funds
H 509 (Ch. 845) ..... 857, 870.
Maternity Home Care Funds
H 538 (Ch. 846) ..... 857, 870.
Medical Cost Containment Legislative Comm'n Created
S 518 (Ch. 875) ..... 435, 488, 847, 881.
Mental Health
Area Matching Funds Equalization—2
S 69 (reref Appr Com) ..... 56, 145.

Appropriations (continued)
Mental Health (continued)
Commitment Hearing Counsel Requirement
S 63 (reref Appr Com) ..... 53, 253.
Mental Outpatient Commitment Plan
H 124 (Ch. 638) ..... 400, 580, 606, 668, 673, 681, 697.
Mental Outpatient Commitment Plan/Ch. 638
S 116 (Ch. 864) ..... 84, 846, 880.
Retarded Children Residential Centers Funds
H 1329 (Ch. 885) ..... 859, 882.
Metrology Lab Funds
S 493 (Appr Com) ..... 405.
Migrant Farm Worker County Funds
S 164 (Appr Com) ..... 116.
Minority/Women Enterprise Requirements
S 583 (Appr Com) ..... 557.
Morehead Estate Dependencies Funds
S 193 (Appr Com/see S 313-Ch 923) ..... 164.
Mountain Youth Resources, Inc.—(Hawthorn Heights)
S 672 (Appr Com/see S 313-Ch 923) ..... 789.
Museum
Albemarle/Northeastern Service Branch
S 487 (Appr Com/see S 313-Ch 923) ..... 400.
Hampton Mariner's—1
S 380 (H 889) (Appr Com/see S 313-Ch 923) ..... 290.
Hampton Mariner's—2
S 604 (Appr Com) ..... 582.
History Interpretation/Education Center
S 428 (H 929) (Appr Com) ..... 335.
History/Service Branch—Fayetteville
S 99 (H 234) (Appr Com/see S 313-Ch 923) ..... 73.
Old Wilkes Jail Funds
S 115 (Appr Com) ..... 83.
Schiele Museum of Natural History and Planetarium
S 195 (Appr Com/see S 313-Ch 923) ..... 165.
NCSU Fletcher Research Center Funds
S 249 (H 668) (Appr Com) ..... 214.
Neural Tube Defect Screening Funds
H 164 (Ch. 843) ..... 856, 870.
Neuse River Basin Water Study
S 605 (Ch. 924) ..... 582, 893, 901, 907.
Noncertified School Worker Pay
S 257 (Appr Com) ..... 220.
Omnibus
Local Projects
S 313 (Ch 923) ..... 247, 899, 900, 907.
Local Projects
H 1476 (Ch. 928) ..... 902, 907.
Parks
Acquisition Funds
H 1018 (Ch. 853) ..... 858, 871.
Farris Memorial Park/Rockingham Co.
S 500 (Appr Com/see S 313-Ch 923) ..... 421.

Appropriations (continued)
Waynesborough Park Funds
S 104 (Appr Com/see S 313-Ch 923) ..... 78.
Peanut Research Funds
S 491 (Appr Com) ..... 400.
Perinatal Program Funds
S 370 (Ch. 868) ..... 286, 846, 880.
Pitt Community College Building Funds
S 668 (H 1462) (Appr Com) ..... 770.
Poison Control State-wide Center Funds
S 645 (reref Appr Com/see S 23-Ch 761) ..... 684, 699.
Private College Tuiton Grant Raised
S 412 (H 917) (Appr Com/see S 23-Ch 761) ..... 318.
Radar Law Funds
S 554 (H 1164) (Ch. 877) ..... 489, 848, 881.
Randolph Forestry Headquarters Funds
S 616 (Appr Com) ..... 604.
Reidsville Research Station Funds
S 449 (Appr Com) ..... 353.
Register of Deeds Retirement
S 532 (reref Appr Com) ..... 454, 691.
Robeson Prerelease Center Funds
S 557 (Appr Com/see S 313-Ch 923) ..... 490.
Rockingham High School Land Funds
S 677 (Appr Com/see S 313-Ch 923) ..... 790.
Rollins Animal Disease Lab Funds
S 541 (Appr Com) ..... 471.
Restoration
Aberdeen/Union Station Funds
S 686 (H 1450) (Appr Com/see S 313-Ch 923) ..... 814.
Carteret County Courthouse Funds
S 379 (Appr Com/see S 313-Ch 923) ..... 290.
Currituck Teacherage to Administrative Offices
S 358 (Appr Com/see S 313-Ch 923) ..... 281.
David Newby/Newbold White Houses
S 112 (Appr Com/see S 313-Ch 923) ..... 81.
Grimes Mill/Hall House Funds
S 371 (Appr Com/see S 313-Ch 923) ..... 286.
Hoke Courthouse
S 218 (Appr Com) ..... 187.
John C. Campbell Folk School Funds
S 250 (Appr Com/see S 313-Ch. 923) ..... 214.
Mill Prong House/Grant-in-Aid
S 351 (Appr Com/see S 313-Ch 923) ..... 274.
Murray's Mill Complex
S 355 (Appr Com) ..... 281.
Person Place Funds
S 213 (Appr Com/see S 313-Ch 923) ..... 179.
St. Joseph's Episcopal Church/Fayetteville
S 336 (Appr Com) ..... 264.
Seaboard Coast Line Bldg/Multipurpose Center
S 456 (H 996) (Appr Com) ..... 364.

Appropriations (continued)
Spencer Shops State Historic Site
S 425 (Appr Com/see S 313-Ch 923) ..... 334.
Temple Theater Funds
S 205 (Appr Com/see S 313-Ch 923) ..... 170.
Union County Courthouse Funds
S 243 (Appr Com/see S 313-Ch 923) ..... 213.
Retirement—see also **Retirement**
Public Benefit Formula Accrual Rate
S 488 (reref Appr Com) ..... 400, 648.
Judges/Benefit to Spouse
S 564 (H 1183) (reref Appr Com/see S 23-Ch 761) ..... 538, 612.
Law Officers Pay Increased
S 105 (reref Appr Com) ..... 78, 192.
Sick Leave to Retirement/State Employee
S 492 (H 1074) (reref Appr Com) ..... 405, 648.
Temporary Employee Creditable Service
S 154 (reref Appr Com) ..... 109, 253.
Revenues Generated by Sales Tax Increase—4%
S 51 (Fin Com) ..... 48.
Salary Increase—7%
S 517 (H 1101) (reref Appr Com) ..... 428, 690.
Sampson Tech Electronics Funds
S 674 (Appr Com/see S 313-Ch 923) ..... 790.
Sanitary Districts Power Uniform
H 890 (Ch. 608) ..... 407, 640, 653, 662, 672.
School Day/Year Extensions Funding Limited
S 664 (Sp W&M Com) ..... 761.
School for Deaf Equipment Funds
S 678 (Appr Com/see S 313-Ch 923) ..... 790.
School Law Study by Committees
S 143 (reref Appr Com) ..... 100, 621.
School Noncertified Employee/Salary Increase
S 415 (Appr Com) ..... 318.
Secretary of State Fees and Taxes
S 255 (H 695) (H-ppi/see H 278-Ch 713) ..... 220, 361, 385, 391, 396.
Secretary of State Funds
S 401 (Appr Com/see S 23-Ch. 761) ..... 304.
Shellfish Growing Waters Funds
S 398 (Appr Com) ..... 304.
Sheltered Workshop Funds/Orange
S 683 (Appr Com/see S 313-Ch 923) ..... 814.
State Employee Assistance Funds
S 615 (Appr Com) ..... 604.
Submerged Land Claim Lawyer Funds
S 617 (H 1298) (Appr Com/see S 23-Ch 761) ..... 604.
Sweet Potato Research Funds
S 528 (Appr Com) ..... 436.
Teacher Continuing Education Credit Funds
S 592 (H 1217) (Appr Com) ..... 573.
Teacher Incentive Loan Program
S 522 (Appr Com) ..... 436.

Appropriations (continued)
Technical Institutes
Technological Development Authority
S 534 (reref Appr Com) ..... 459, 573.
H 1122 (Ch. 899/see H 1142-Ch 905) ..... 858, 872, 887.
Travel Guide for Disabled Funds
S 568 (H 1225) (Appr Com/see S 23-Ch 761) ..... 543.
Trent River Bridge Funds
S 526 (Appr Com) ..... 436.
Tribal Economic Development Training Funds
S 652 (Appr Com/see S 313-Ch 923) ..... 700.
University of North Carolina
NCSU Assistant Apiculturist
S 414 (H 928) (Appr Com) ..... 318.
UNC Self-Liquidating Bldg Projects
H 990 (Ch. 851) ..... 858, 871.
Unspent Funds to Schools/Water and Sewer
S 692 (Appr Com) ..... 815.
Vocational Education Equipment Funds
S 527 (Appr Com) ..... 436.
Vocational Education Handicapped Funds
S 695 (Appr Com) ..... 842.
Warren County Assistance Funds
H 745 (Ch. 849) ..... 857, 871.
Western NC Crop Program
H 1017 (Ch. 852) ..... 858, 871.
Western NC Group Home
S 328 (H 771) (Appr Com) ..... 254.
Witchweed Quarantine Funds
S 512 (Appr. Com) ..... 422.
Architects
Licensing Requirements
S 82 (St Gov Com) ..... 65.
H 163 (Ch. 47) ..... 81, 108, 114, 117.
Army Reserve—see Military
Arrests—see Criminal Law; Criminal Procedure
Arts—see also Appropriations (Arts)
Artwork on Consignment Protected
H 1343 (Ch. 822) ..... 780, 800, 824, 855.
Cultural Resources Boards Abolished
H 1363 (failed to remove from table) ..... 780, 788, 808.
Ashe County—District 24—Senator Conrad R. Duncan, Jr.
Senator George W. Marion, Jr.
Fence Expense/Neighbors Share
H 782 (reref Loc Gov) ..... 437, 487, 715.
Assault—see Criminal Law
Atomic Energy—see Energy
Attorney General—see Judicial Department; State Officer
Attorneys—see Judicial Department
Auctioneers
Licensing Amendments
S 621 (Ch. 751) ..... 605, 649, 661, 770, 781, 789, 796, 798, 808.

Auctioneers (continued)
Recovery Fund Created
S 427 (Ch. 603)..... 334, 426, 438, 671.
Auditor, State—see State Officers
Autism—see Mental Health
Automobile—see Motor Vehicles
Automobile Insurance—see Insurance
Avery County—District 27—Senators James H. Edwards
Senator Donald R. Kincaid
Beech Mountain—Beer/Wine Election
S 256 (Ch. 285)..... 220, 268, 303, 313, 384.
Road Name/Street Number Assignment—2
H 359 (Ch. 98)..... 159, 183, 190, 197.
School Snow Make-up Days
S 384 (Ch. 703)..... 290, 602, 657, 669, 764.
Aviation—see Aeronautics

—B—

Bail Bond—see Criminal Procedure
Baker, Thomas James—Honored (Former Member of General Assembly)
H 1052 (Res. 26)..... 550, 559.
Ballenger, T. Cass—Senator Alexander, **Catawba,** Iredell, Yadkin—**26th District**
Absent With Leave..... 38, 157, 184, 197, 289, 351, 368, 376, 665.
Adjournment Motion..... 79, 272, 434.
Certificate of Election..... 6.
Committee: Assignments..... 14, 15, 17, 18, 19, 20, 22, 138, 218.
Standing—Appropriations—Appropriations/Human Resources—Base Budget—Banking—Ethics—Judiciary III—Judiciary III/Law Enforcement and Criminal Justice—Manufacturing Labor and Commerce—Public Utilities and Energy—Rules and Operation of the Senate—Ways and Means—Ways and Means/Small Business
Select—Senate Bills: 165, 445 House Bills: 683, 869, 723, 1003.
Minority Leader..... 25.
Oath of Office..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor..... 41, 60, 133, 137, 219, 354, 355, 368, 383, 426, 442, 481, 530.
Co-Sponsor..... 28, 36, 53, 69, 96, 114, 117, 129, 130, 144, 176, 177, 178, 207, 283, 323, 374, 393, 399, 413, 424, 429, 445, 451, 465, 471, 488, 513, 522, 537, 538, 589, 591, 593, 596, 609, 631, 653, 659, 689.
Endorsement Withdrawn..... 111, 128.
Ballots—see Elections
Bankruptcy—see Civil Procedure (Money Judgments)
Banking
Banking Commission Membership Increased
S 117 (Ch. 328)..... 84, 148, 159, 282, 310, 347, 404, 420, 434.
Banking Law Amendments
S 263 (H 661) (Ch. 214)..... 224, 252, 262, 312, 321.
Consent to Commissioner..... 178, 198.

Banking (continued)
Credit Union
Additions and Revisions
S 402 (Ch. 568) ..... 311, 377, 395, 605, 620, 632, 639.
Corporate Law Rewrite
S 403 (Ch. 470) ..... 311, 369, 396, 551, 558, 568.
Retirement System Option
S 667 (Pen & Ret Com) ..... 770.
H 1382 (Ch. 782) ..... 780, 795, 824, 841.
Directors Term of Office
S 35 (Ch. 24) ..... 43, 58, 62, 89.
Finance Company Loan Rates
S 78 (unf rpt) ..... 61, 569.
Forgery Law Revision
S 469 (Ch. 397) ..... 377, 393, 402, 468.
Interest Law/State Exempt from Federal
S 228 (unf rpt) ..... 187, 569.
Interest Rates Revolving Accounts
S 451 (H Banks Com) ..... 354, 392, 408, 416, 424, 426, 542, 558.
Lender's Information Misuse
H 1419 (Ch. 831) ..... 780, 785, 812, 837, 860.
Regulation Study/LRC
S 381 (reref Appr Com/see H 1142-Ch. 905) ..... 290, 820.
Returned Check Fees
H 723 (Ch. 529) ..... 330, 464, 480, 483, 619.
Savings and Loan
Depository/Public Moneys at Interest
S 118 (Ch. 158) ..... 85, 111, 136, 248, 255, 263.
Revision of Savings & Loan Law
S 119 (Ch. 144) ..... 85, 112, 137, 251.
Tax Collection to Department of Revenue
H 5 (Ch. 26) ..... 40, 76, 88, 94.
Voucher Requirement Exemption
S 462 (H J4 Com) ..... 370, 621, 637, 643, 652.
Worthless Check Restitution Required
H 567 (Ch. 741) ..... 660, 683, 696, 709, 719, 809.
Worthless Check Study/LRC
S 661 (Appr Com/see H 1142-Ch. 905) ..... 760.
Baptist State Convention—see Churches
Bar, State—see Judicial Department (Attorneys)
Barber, Sr., Wade—Honored
H 105 (Res. 3) ..... 87, 89, 94.
Barbers
Barbering Law Amendments
S 598 (J II Com) ..... 581.
Licensing Board Report to Governmental Operations
H 1456 (Sp W&M Com) ..... 869.
Licensed Out-of-State
H 1347 (Spec W&M Com) ..... 717.
Barnes, Henson P.—Senator Greene, **Wayne—8th District**
Absent With Leave ..... 172, 191, 223, 272, 302, 392, 398.
Adjournment Motion ..... 49, 82, 301, 784.

Barnes, Henson P.—Senator (continued)
Certificate of Election..... 5.
Committee: Assignments..... 14, 17, 18, 20, 21, 47, 218.
Standing—Judiciary III (Chairman)
State Government (Vice-Chairman)
Agriculture—Appropriations—Appropriations/Justice and Public Safety—Base Budget—State Government/Housing.
Select—Senate Bills: 165, 445; House Bills: 683, 869, 723, 1003.
Conference—
SB 1..... 227, 501.
SB 141..... 808, 863.
HB 154..... 139.
HB 413..... 588, 674.
HB 503..... 489, 665.
HB 559..... 908.
HB 775..... 891.
HB 810..... 904.
Delegate—(Bundy Funeral)..... 36.
Escorts—NCSU/UNC Basketball Team..... 289.
Nomination—(Seconds Principal Clerk)..... 9.
Oath of Office..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor..... 1, 43, 104, 105, 106, 145, 325, 346, 470, 625, 642.
Co-Sponsor..... 29, 36, 42, 68, 69, 71, 76, 86, 87, 88, 96, 108, 114, 117, 121, 127, 128, 129, 130, 131, 136, 144, 150, 153, 154, 176, 177, 178, 181, 206, 253, 329, 332, 340, 341, 374, 393, 413, 414, 429, 513, 514, 515, 516, 517, 522, 570, 591, 605, 607, 608, 609, 623, 643, 650, 653, 689.

Barnes, Richard W.—Senator **Forsyth** (part)—**20th District**
Absent With Leave..... 85, 385.
Adjournment Motion..... 74, 263, 425.
Certificate of Election..... 6.
Committees: Assignments..... 16, 20, 21, 22, 47.
Standing—State Government/Veterans and Military Affairs (Chairman)
State Government/Senior Citizens Affairs (Vice-Chairman)
Finance—Local Government—State Government, Ways and Means—Ways and Means/Small Business.
Oath of Office..... 7.
Votes/Excused: HB 336..... 216.
HB 978..... 558, 618.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor..... 25, 172, 274, 275, 281, 295, 443, 482.
Co-Sponsor..... 36, 39, 42, 76, 84, 96, 108, 111, 117, 130, 136, 144, 157, 160, 161, 183, 206, 227, 259, 279, 285, 327, 329, 344, 360, 374, 393, 413, 424, 430, 457, 488, 513, 515, 517, 522, 537, 538, 549, 588, 589, 591, 596, 597, 609, 623, 643, 653, 659.

Beach Access—see Natural and Economic Resources (Coastal Area)
Beal, Fate James—Honored
S 562 (Res. 34) ..... 538, 563, 575, 645.
Beaufort County—District 1—Senator Melvin R. Daniels, Jr.
District 9—Senator Vernon E. White
Hampton Mariner's Museum Funds—2
S 604 (Appr Com) ..... 582.
Washington City School Board
H 525 (Ch. 212) ..... 266, 298, 306, 315, 320.
Bed and Breakfast Establishments—see Public Health
Beer/Wine—see Alcohol Beverage Control; Individual County
Bees—see Agriculture
Benton, Patricia Allen—Honored
S 690 (Res. 47) ..... 814, 827.
Bertie County—District 2—Senator J. J. Harrington
Hospitals Collections—2
H 1087 (unf rpt) ..... 479, 560, 649.
Regional Jail Scope
H 1263 (Ch. 716) ..... 669, 759, 773, 783.
Sheriff Issue Weapon Permits
H 379 (Ch. 151) ..... 200, 241, 250, 259.
Bids—see Education (Textbook); Local Government; Transportation
Bigamy—see Married Persons
Billboards—see Transportation (Roads & Highways)
Bingo—see Criminal Law (Gambling)
Birth Control—see Medicine; Social Services
Birth Registration—see Public Health
Bladen County—District 18—Senator R. C. Soles, Jr.
Blind—see Handicapped
Board of Governors—see Higher Education (UNC)
Boards & Commissions—see also Appointments
Cultural Resources Boards Abolished
H 1363 (failed to remove from table) ..... 780, 788, 808.
Earth Resources Council Abolished
H 1273 (Ch. 667) ..... 642, 690, 705, 714.
Executive Branch Study
H 1321 (reref Appr Com/see H 1142-Ch. 905) ..... 717, 778.
Executive Order Creation/Sunset Date
H 1295 (Ch. 733) ..... 717, 777, 793, 794.
Future of North Carolina Commission Report
S 262 (Rules Com) ..... 221.
Waste Management Board Membership
H 1318 (Ch. 859) ..... 762, 768, 850, 882.
Boats—see Natural and Economic Resources (Wildlife)
Boilers—see Labor
Boll Weevil—see Agriculture
Bonds—see also Criminal Procedure; Liens
Parking Facility Revenues
S 182 (Ch. 168) ..... 161, 185, 194, 201, 210, 271.
Receiver Appointment Requirement
H 1398 (Spec W&M Com) ..... 780.
Boundaries—see State Government: Individual County

Breaking & Entering—see Criminal Law (Felony)
Breathalyzer—see Alcoholic Beverage Control
Bridge—see Transportation
Brunswick County—District 18—Senator R. C. Soles, Jr.
Caswell Beach Annexation Baptist Participation
H 1277 (Ch. 743) ..... 694, 759, 773, 810.
County Trial Sites
H 84 (Ch. 20) ..... 61, 76, 82.
Dosher Hospital Trustees Selection
H 742 (Ch. 439) ..... 473, 536, 547, 554.
Fourth of July Celebration Funds
S 314 (Appr Com) ..... 247.
Holden Beach Accessways Assessments
H 847 (Ch. 490) ..... 478, 556, 566, 576, 587.
School Buses
H 1206 (Ch. 647) ..... 623, 683, 697, 706.
Southport
Charter Revision
H 620 (Ch. 659) ..... 636, 683, 696, 703, 713.
Long-Term Leases to Fee
H 848 (Ch. 440) ..... 473, 537, 547, 554.
Budget—see Appropriations (Budget) (S 22; S 23)
Building Code/Inspections
Building Code Certificates Extended
H 160 (Ch. 90) ..... 97, 185, 189, 196.
Building Permit—see Construction
Building on Mountain Ridges—see Local Government
Building, State Office—see State Buildings
Bullets—see Criminal Law
Buncombe County—District 28—Senator Robert S. Swain
Senator Dennis Winner
Asheville
National Guard Center Funds
S 542 (Appr Com) ..... 471.
Ordinance Publication Repealed
H 397 (Ch. 117) ..... 174, 208, 217, 223.
Teacher Payday
H 625 (Ch. 352) ..... 342, 412, 441, 450.
Western NC Group Home Funds
S 328 (H 771) (Appr Com) ..... 254.
Commissioners Elected Together/Manager Plan
S 233 (H 535) (Ch. 129) ..... 199, 208, 216, 229.
Dairy Law Repealed
S 466 (Ch. 434) ..... 370, 419, 430, 548.
National Guard Center Funds
S 542 (Appr Com) ..... 471.
Sales Tax Added/1%
S 363 (H 826) (Fin Com) ..... 282.
School Capital Fund Commission—1
H 507 (Ch. 134) ..... 227, 233.
School Capital Fund Commission—2
S 230 (H 507) (Ch. 534) ..... 194, 560, 583, 619.

Buncombe County (continued)
School Future Payment
H 804 (Ch. 360) ..... 355, 413, 442, 450.
Woodfin Partisan Elections
S 362 (Ch. 291) ..... 282, 327, 336, 387.
Burial—see Mortuary
Burke County—District 27—Senator James H. Edwards
Senator Donald R. Kincaid
Local Sales Tax Revenue
H 630 (Ch. 273) ..... 261, 298, 307, 309, 323, 359, 366, 374, 380.
Morganton Mayor's Vote
H 505 (Ch. 202) ..... 261, 297, 306, 316.
Oak Hill Incorporated
S 236 (H 534) (Loc Gov Com) ..... 203.
Salem Incorporated
S 303 (H 699-ppi) (H unf rpt) ..... 246, 269, 276, 283.
Valdese
Economic Development
H 81 (Ch. 19) ..... 61, 75, 79, 82.
Firemen's Fund
H 330 (Ch. 501) ..... 544, 572, 584, 594.
Burning—see Fire Protection
Bus—see Motor Vehicle
Business—see Commerce

—C—

Cabarrus County—District 22—Senator Cecil R. Jenkins, Jr.
Senator Kenneth R. Harris
Senator W. Craig Lawing
Senator Benjamin T. Tison
Concord/Kannapolis Boundary
H 811 (Ch. 227) ..... 287, 298, 308, 315, 339.
Hospital Sales Tax Refund—4
S 191 (reref Ways & Means Com) ..... 158, 164.
Kannapolis
Firemen's Retirement
H 76 (Ch. 497) ..... 551, 572, 583, 594.
Incorporation, Charter
S 312 (Loc Gov Com) ..... 247.
H 629 (Ch. 191) ..... 267, 270, 278, 284, 293.
Precinct Boundaries
H 486 (Ch. 225) ..... 266, 297, 306, 332.
Property Tax Discount/2%
H 1466 (Ch. 823) ..... 851, 855.
School Board Filing Period
H 437 (Ch. 121) ..... 200, 208, 218, 223.
Caldwell County—District 27—Senator James H. Edwards
Senator Donald R. Kincaid
Cajah Mountain Incorporated
S 73 (H 140) (Ch. 52) ..... 58, 75, 79, 82, 137.

Caldwell County (continued)
Lenoir Annexation Approved
H 540 (Ch. 404) .....266, 328, 338, 344, 360, 366, 368, 440, 476.
CAMA (Coastal Area Management Act)—see Natural and Economic Resources
Camden County—District 1—Senator Melvin R. Daniels, Jr.
Hunting From Roads
H 823 (Ch. 274) ..... 324, 363, 374, 380.
Camp LeJeune—see General Assembly
Campaign Contributions—see Elections
Candidacy—see Election
Cape Fear Pilotage Commission—see Navigation
Capital Punishment—see Criminal Law
Carteret County—District 3—Senator Joseph E. Thomas
Atlantic Beach Annexation
S 431 (Ch. 341)..... 342, 358, 365, 445.
Beaufort Property Disposition
S 166 (Ch. 100)..... 119, 140, 146, 202.
Cedar Island Boat Ramp Funds
S 417 (Appr Com/see S 313-Ch. 923)..... 322.
Courthouse Rehabilitation Funds
S 379 (Appr Com/see S 313-Ch. 923)..... 290.
Emerald Isle Beach Access
H 886 (Ch. 539) ..... 574, 603, 618, 627.
Inlet Dune Incorporated
S 394 (Loc Gov Com) ..... 299.
Junkyard Control
H 1465 (Ch. 841) ..... 835, 851, 853, 871.
Morehead City Annexation
H 254 (Ch. 59) ..... 101, 140, 147, 153.
Sheriffs Buy Surplus Cars
S 138 (Ch. 80)..... 96, 105, 110, 177.
Sheriff Deputies Buy Cars
S 671 (Ch. 736)..... 779, 794.
Caswell County—District 21—Senator Cary D. Allred
Bright Leaf Hoedown Funds
S 400 (H 867) (Appr Com)..... 304.
Land Conveyance to Boy Scouts
H 418 (Ch. 152) ..... 200, 241, 250, 259.
Sheriffs Deputy Program
H 530 (Ch. 344) ..... 378, 411, 440, 449.
Cats, Wild—see Natural and Economic Resources (Wildlife)
Catawba County—District 26—Senator T. Cass Ballenger
Senator William W. Redman, Jr.
Boat Noise Limits on Some Lakes
H 724 (Ch. 787) ..... 701, 777, 792, 841.
Boats Stop on Blue Light
H 670 (Ch. 356) ..... 382, 428, 441, 450.
Civic Center Authority
S 383 (H Loc Gov I Com) ..... 290, 602, 623, 631.
Fireworks Permits
S 369 (Ch. 339)..... 286, 327, 336, 445.

Catawba County (continued)
Hickory Land Conveyances
S 137 (Ch. 79) ..... 96, 140, 146, 177.
Hospitals Garnish
H 1165 (Loc Gov Com) ..... 592.
Life Preserver Requirement/All Vessels
H 375 (Ch. 200) ..... 255, 297, 306, 316.
Maiden Assessments Without Petition
H 574 (Ch. 346) ..... 359, 412, 432, 441, 449.
Murray's Mill Complex Restoration
S 355 (Appr Com) ..... 281.
Newton Firemen's Pension Fund
H 497 (Ch. 503) ..... 544, 572, 584, 595.
Newton-Conover School Pay
H 92 (Loc Gov Com) ..... 174.
Startown Incorporated
S 354 (Loc Gov Com) ..... 281.
Vehicle Accident Settlement/Joseph N. Sigmon
S 41 (Appr Com) ..... 46.
Celebrations—see Appropriations
Cemeteries—see Mortuary
Certificate of Need—see Medicine
Charitable Solicitation
Charitable Solicitation Act Exemption
S 67 (Ch. 320) ..... 55, 77, 143, 151, 400, 404, 407, 417.
Chatham County—District 16—Senator Wanda Hunt
Senator Russell Walker
Cherokee County—District 29—Senator Charles Hipps
Senator R. P. Thomas
Ambulance Service
H 95 (Ch. 42) ..... 85, 106, 110, 114.
Murphy Annexation
H 569 (Ch. 345) ..... 354, 412, 432, 440, 449.
Voter Assistance
S 447 (Ch. 310) ..... 353, 358, 366, 409.
Child Support—see Child Welfare; Married Persons (Divorce)
Child Welfare
Abuse
Class E Felony—2
S 318 (Ch. 653) ..... 247, 458, 474, 574, 682, 695, 705.
Child Abuse Council Created
S 291 (Ch. 894) ..... 231, 280, 362, 846, 886.
Guardian Ad Litem/Statewide Program
S 341 (H 732) (reref Appr Com/see S 23-Ch. 761) ..... 265, 570.
Medical Assessment Funds
S 510 (H 1128) (Appr Com/see S 23-Ch. 761) ..... 422.
Reporting Requirements Expanded
H 332 (Ch. 199) ..... 255, 297, 306, 316.
Adoption
Adoption Law Amendments
H 651 (Ch. 454) ..... 473, 536, 547, 553.

Child Welfare (continued)
Adoption (continued)
Consent Requirements
S 12 (Ch. 30)....32, 45, 49, 53, 56, 66, 71, 94.
Consent Revocation Method
H 654 (Ch. 688)....669, 709, 719, 752.
Consent Revocation Time
S 42 (Ch. 83)....46, 95, 103, 170, 175, 180.
Court Appearance Required
S 5 (H unf rpt)....31, 164, 170.
Parental Consent
H 653 (Ch. 292)....323, 358, 367, 387.
Child Support Garnishment of 40% of Wages
S 514 (H Rules Com)....422, 708, 718, 767, 781, 784, 791.
Child Support Study/LRC
S 675 (reref Appr Com/see H 1142-Ch. 905)....790, 796.
Children with Special Needs Commission—1
S 52 (unf rpt)....50, 874.
Children with Special Needs Commission—2
S 59 (Ch. 863)....53, 77, 846, 880.
Children with Special Needs Defined
S 571 (reref Appr Com)....543, 562.
Custody
Custody/Support During Appeal
H 791 (Ch. 530)....365, 571, 608, 619.
Custody Violation Made Felony
H 744 (Ch. 563)....401, 571, 608, 639.
Federal Parent Locator Access/DHR
S 9 (Ch. 15)....32, 45, 49, 82.
Mandatory Mediation/Mecklenburg County
H 879 (J II Com/see S 23-Ch. 761)....615.
Order/Secure/Nonsecure
S 392 (Ch. 590)....299, 457, 485, 491, 636, 651, 663.
Procedures to Place Child Born by Prisoner
S 237 (unf rpt)....204, 759.
Day Care
Church Operated Facilities Compliance
S 350 (Ch. 283)....274, 310, 320, 370, 379, 384.
County Co-ordinating Agency Funds
H 581 (Ch. 847)....857, 870.
Employee Qualifications
H 144 (Ch. 277)....318, 373, 379, 912.
Facility Inspections
H 593 (Ch. 261)....312, 333, 344, 360, 366, 375.
Facility Redefined
H 102 (Ch. 46)....67, 90, 97, 104, 106, 117.
Licensing Enforcement
H 780 (Hum Res Com)....330.
Plan Redefined
H 143 (Ch. 297)....209, 372, 387, 912.
Private Institution Grants-In-Aid
S 179 (H 409) (Appr Com)....149.

Child Welfare (continued)
Day Care (continued)
Staff Age Increased
H 101 (Ch. 62) ..... 103, 107, 137, 157.
Taxable Income Exclusion
H 260 (Ch. 895) ..... 179, 883, 886.
Handicapped Children's Educ/Parent Training Center
S 632 (Appr Com/see S 313-Ch. 923) ..... 636.
Infant Separation Investigation
H 680 (Ch. 293) ..... 313, 358, 367, 387.
Juvenile
Voluntary Admission Procedures/Mental Health Facility
S 273 (Ch. 302) ..... 225, 245, 256, 382, 395, 403.
Lutheran Family Services Funds
H 509 (Ch. 845) ..... 857, 870.
Minor
Tavern Admittance Under 10 Prohibited
S 625 (unfav rpt) ..... 614, 658.
Parental Rights
Technical Amendments
H 1066 (Ch. 512) ..... 454, 571, 586, 595.
Termination by Guardian
S 433 (Ch. 870) ..... 342, 555, 565, 856, 880.
Termination Orders
H 759 (Ch. 581) ..... 460, 580, 608, 655.
Termination Review
H 758 (Ch. 607) ..... 460, 647, 662, 672.
Residential Child-Care Permits
H 214 (unf rpt) ..... 103, 852.
Residential Group Care Facilities Licensed
H 115 (Ch. 637) ..... 478, 647, 662, 697.
Retarded Children Residential Centers Funds
H 1329 (Ch. 885) ..... 859, 882.
Services by Fee Available
H 186 (Ch. 527) ..... 348, 464, 474, 480, 485, 561, 575, 619.
Sexual Exploitation Crime
S 330 (H ppi) ..... 254, 357, 372, 418, 448, 457, 474, 484.
Sexual Performance/Felony Classification
S 165 (Ch. 916) ..... 116, 118, 207, 215, 244, 260, 271, 861, 872, 874, 895, 896, 898.
Support
Arrears Due/Judgment Modification
S 549 (J II Com) ..... 472.
Continued Through High School
S 29 (Ch. 54) ..... 36, 51, 54, 153.
Nonsupport Penalty Increased
H 548 (J III Com) ..... 447.
Notice Time
H 1228 (Ch. 587) ..... 623, 640, 654, 664.
Support Payment Enforcement
S 89 (H 179) (Ch. 677) ..... 67, 148, 166, 175, 180, 376, 383, 629, 640, 652, 656, 666, 701, 712, 720.

Child Welfare (continued)
Support (continued)
Unemployment Compensation Garnished
S 32 (Ch. 33).....43, 51, 54, 60, 64, 98.
Temporary Child Care Regulation
H 1075 (Ch. 612)..... 454, 647, 663, 672.
Visitation Rights—Nonparents
H 107 (J III Com)..... 565.
Childers, Jack—Senator **Davidson**, Davie and Rowan—**23rd District**
Absent With Leave.....55, 58, 64, 115, 680, 688.
Adjournment Motion.....106, 339.
Certificate of Election..... 6.
Committees: Assignments.....14, 15, 16, 19, 20, 21, 22, 47.
Standing—Manufacturing, Labor and Commerce (Chairman)
Appropriations/General Government (Vice-Chairman)
Appropriations—Banking—Base Budget—Public Utilities and Energy—State Government—State Government/Veterans and Military Affairs—Ways and Means.
Oath of Office..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor..... 140, 415, 425, 669.
Co-Sponsor.....36, 42, 69, 79, 84, 108, 117, 121, 129, 136, 161, 179, 189, 206, 311, 312, 323, 324, 329, 331, 344, 371, 374, 393, 404, 406, 412, 413, 414, 424, 429, 430, 438, 471, 513, 515, 517, 531, 537, 552, 570, 588, 607, 608, 627, 631, 643, 644, 647, 689.
Chiropractor—see Medicine
Chowan County—District 2—Senator J. J. Harrington
Arrowhead Beach Preserve Shooting
H 109 (Ch. 110)..... 73, 108, 113, 158, 184, 198, 210.
Automobile Tax Increased
H 190 (Ch. 106).....88, 143, 166, 176, 180, 206.
Hospitals Collections—2
H 1087 (unf rpt).....479, 560, 649.
Hospitals Fee Collection
H 560 (unf rpt)..... 460, 488, 539, 649.
Impounded Cat and Dog Sale
H 314 (Ch. 166).....150, 219, 228, 249, 272.
Churches
Baptist Participation/Caswell Beach Annexation
H 1277 (Ch. 743)..... 694, 759, 773, 810.
Day-Care Facilities Compliance
S 350 (Ch. 283).....274, 310, 320, 370, 379, 384.
Lutheran Family Services Funds
H 509 (Ch. 845).....857, 870.
Wage/Hour Exemption
S 544 (Ch. 708)..... 471, 571, 583, 593, 750, 762, 774.
Wine for Sacremental Purposes Tax Refund
H 130 (Ch. 792)..... 716, 835, 836, 840.
Cigarette Tax—see Taxation (Tobacco)
Cities and Towns—see Local Government

Civil Procedure
Attorney's Fee in Civil Actions
H 474 (J III Com) ..... 465.
Comparative Fault Rule Adopted
S 145 (H 319) (reref Ins Com) ..... 100, 140, 150, 163, 290, 299.
Evidence
Counselor Certification Board
S 553 (Ch. 755) ..... 477, 555, 560, 575, 779, 787, 805, 809.
Courier Services/Chain of Custody
H 682 (Ch. 375) ..... 371, 411, 442, 450.
Doctor/Patient Record not Public
S 434 (Ch. 471) ..... 342, 453, 461, 568.
Communication Privilege/Social Worker
S 635 (J II Com) ..... 650.
Evidence Law Revision
S 43 (unf rpt) ..... 46, 758.
H 96 (Ch. 701) ..... 538, 629, 643, 653, 670, 676, 764.
Medical Bill Testimony
H 596 (Ch. 776) ..... 791, 796, 823, 827.
Medical Records/Subpoena
H 1016 (Ch. 665) ..... 637, 683, 697, 704, 714.
Spouse Testimony in Civil Action
H 1258 (tabled) ..... 660, 715, 751, 763.
Jurisdiction by Publication Service
H 415 (Ch. 231) ..... 287, 327, 337, 345.
Mineral Rights Enforcement
H 443 (Ch. 502) ..... 484, 563, 576, 584, 594.
Money Judgments
Exemptions from Creditor's Claims Pre-1981
S 373 (H J 4 Com) ..... 286, 537, 546, 558, 565.
Process Servers Allowed, Special
S 530 (unf rpt) ..... 447, 759.
Receiver Appointment Bond Requirement
H 1398 (Spec W&M Com) ..... 780.
Rules
Default Bonds Three-Year Limitation
S 573 (J I Com) ..... 550, 699, 712, 751.
Deposition by Telephone/Transcription
H 1366 (Ch. 801) ..... 771, 835, 837, 841.
Discovery Filings Limited
H 475 (Ch. 201) ..... 261, 297, 306, 316.
Service by Newspaper Publication
H 436 (Ch. 679) ..... 669, 699, 711, 720.
Subpoena of Medical Records
H 1016 (Ch. 665) ..... 637, 683, 697, 704, 714.
Subpoena/Production of Documentary Evidence Signature
H 1354 (Ch. 722) ..... 701, 760, 774, 783.
Sheriff's Eviction Procedure
H 937 (Ch. 672) ..... 473, 658, 671, 678, 714.
Clerk, LeRoy—Reading Clerk
Nomination/Election/Oath ..... 9.

Clay County—District 29—Senator Charles Hipps
Senator R. P. Thomas
Ambulance Service
H 95 (Ch. 42) ..... 85, 106, 110, 114.
Brasstown John C. Campbell Folk School Funds
S 250 (Appr Com/see S 313-Ch. 923) ..... 214.
Property Private Sale
H 636 (Ch. 353) ..... 348, 412, 441, 450.
Clerks of Court—see Judicial Department
Cleveland County—District 25—Senator Ollie Harris
Senator Helen R. Marvin
Senator Marshall A. Rauch
Shelby Public Market Allowed
H 506 (Ch. 226) ..... 228, 270, 278, 298, 314, 339.
Sheriff Term
H 126 (Ch. 45) ..... 70, 106, 111, 114.
Coastal Areas—see Natural & Economic Resources
Coltrane, John—Honored
H 1360 (Res. 44) ..... 717, 749, 764, 775.
Columbus County—District 18—Senator R. C. Soles, Jr.
Junkyard Control
H 1465 (Ch. 841) ..... 835, 851, 853, 871.
School Board Appointments—Whiteville
H 112 (Ch. 4) ..... 52.
School Election—Whiteville/Columbus
H 562 (Ch. 234) ..... 261, 328, 338, 345.
Comity Changes—see Public Accountants
Commerce and Business
Competition Treble Damages Limitation
S 529 (J III Com) ..... 447.
Consumer Protection Amendments
H 1319 (Ch. 721) ..... 710, 760, 774, 783.
Enterprise Requirements—Minority/Women
S 583 (Appr Com) ..... 557.
Molding Process Duplication Prohibited
H 985 (J III Com) ..... 478.
Motor Club Agents Sell Insurance
S 658 (H Rules Com) ..... 710, 768, 781.
H 1403 (Ch. 802) ..... 798, 835, 837, 841.
Motor Club Road Service Increased
H 1000 (Ch. 542) ..... 478, 601, 618, 627.
Ports Authority Meeting Dates
S 531 (St Gov Com) ..... 454.
Small Business Finance Study Commission
H 1045 (Ch. 914) ..... 892, 899.
Technological Development Authority Created
S 534 (reref Appr Com) ..... 459, 573.
H 1122 (Ch. 899/see H 1142-Ch. 905) ..... 858, 872, 887.
Watchmakers Examiners Board Established
S 477 (Fin Com) ..... 385.
Western Agriculture Center in Business
H 1126 (Ch. 476) ..... 484, 556, 567, 579.

Commissioners—see Individual County
Commitment—see Mental Health
Committees—see General Assembly (Senate); Individual Member
Community Colleges—see Higher Education
Community Service Restitution Program—see Criminal Procedure (Parole)
Company Police—see Law Enforcement
Comparative Fault—see Civil Procedure
Competency—see Judicial Department; Mental Health
Competency Test—see Education (Board, State)
Computer System
Computer Commission Created
S 37 (Ch. 267) ..... 43, 303, 320, 371, 379.
Insurance Dept. Electronic Processing Equipment
H 1219 (Ch. 861) ..... 859, 881.
Register of Deeds Maintain Index
H 1284 (Ch. 699) ..... 660, 709, 720, 752.
Study Continued—LRC
S 44 (St Gov Com/see H 1142-Ch. 905) ..... 48.
Condemned Property Disposal—see Local Government (Cities)
Condominium
Conversion Law
H 658 (Ch. 624) ..... 605, 649, 662, 679.
Confirmations/Consents—see General Assembly
Congress—see Resolutions, Joint
Constitution, North Carolina
Agricultural Facility Project Bonds
H 909 (Ch. 765) ..... 630, 794, 802, 816, 827.
Amendments Proposed Published
H 451 (Ch. 844) ..... 857, 870.
Attorney General/DA's Licensed Lawyers
H 458 (Ch. 298) ..... 312, 358, 366, 373, 375, 386, 387.
Initiative Reserved Tax/Fee Matters
S 540 (J II/Const Amd Com) ..... 471.
Inventory Tax Exemption
S 465 (Fin Com) ..... 370.
Punishment for Crime Expanded
S 631 (H 389) (H Rules Com) ..... 629, 758, 781, 791.
General Election Date, Statewide
S 46 (H 188) (J II/Const Amd Com) ..... 48.
Gubernatorial Succession Repealed
S 694 (Sp W&M Com) ..... 829.
Legislative Session Length Limit
S 34 (Rules Com) ..... 43.
School Board/Superintendant Selection
S 395 (H 1060) (J II/Const Amd Com) ..... 304.
Construction
Building Permit Requirement (Over $5,000)
H 1147 (Ch. 614) ..... 565, 620, 633, 638, 672.
Consumer Finance Act—see Banks; Interest
Consumer Protection—see Criminal Law

Contractors
Architects/Engineers Regulation
S 543 (H reref J 4 Com)..... 471, 657, 677, 685.
Construction Bond Requirement Threshold
H 1119 (Ch. 818/see also H 1189)..... 824, 835, 836, 845, 855.
Geologists Licensing Act
S 555 (H Rules Com) ..... 489, 799, 822.
Housing Contractors' Licenses
S 387 (H reref J 3 Com)..... 291, 604, 624, 632.
Landscape Contractor Board/Fees
H 256 (Ch. 108) ..... 141, 185, 195, 202, 206.
Licensing Board Report/Governmental Operations
H 1456 (Sp W&M Com) ..... 869.
Minority/Women/Small Business Encouraged
H 1116 (Ch. 692) ..... 538, 580, 650, 663, 682, 704, 752.
Plumbing/Heating Contractor Changes
S 408 (Ch. 569)..... 316, 340, 350, 557, 621, 632, 639.
Subcontractor Payment Requirements
S 556 (Ch. 804)..... 489, 689, 712, 762, 766, 840.
Well Construction Penalties
S 270 (H Rules Com) ..... 224, 549, 557, 759, 771, 780.
Wiring Defined as Electrical Contracting
S 545 (Mfg, L&C Com)..... 471.
H 1155 (Mfg, L&C Com)..... 637.
Controlled Substances—see Medicine
Conveyances
Entireties Property Profit/Tax—1
S 39 (H 106) (Ch. 449) ..... 45, 55, 65, 361, 371, 553.
Conviction—see Civil Procedure; Criminal Procedure; Prisons
Corn, Anthony Clyde—Honored
S 409 (Res. 41)..... 317, 393, 635, 652, 720.
Coroners—see Individual County
Corporations
Income Tax Exemption Conform to Federal
H 17 (Ch. 28) ..... 40, 77, 88, 94.
Income Taxable/Unrelated Business
H 20 (Ch. 31) ..... 58, 77, 89, 93, 98.
Name/Allow Use of "P.C."
S 48 (Ch. 22)..... 48, 53, 57, 86.
Nonprofit Organization ESC Letter of Credit
S 669 (H Rules) ..... 778, 787, 804.
Correction Department—see Prisons
Cosmetic Art
Cosmetologist Definition Excludes Make-up Artist
H 1229 (St Gov Com) ..... 631.
Cosmetologist's Fees Increased
S 422 (Ch. 523)..... 329, 388, 402, 415, 582, 592, 609.
Cosmetologists Reciprocity Allowed
H 671 (Ch. 438) ..... 283, 309, 488, 545, 554.
Counseling—see Medicine
Counties—see Local Government; Individual County
Courier Services—see Civil Procedure (Evidence); Medicine

Court—see Judicial Department
Court Martial—see Military
Craven County—District 3—Senator Joseph E. Thomas
Hospitals Collections—1
H 1081 (unf rpt) ..... 478, 556, 649.
New Bern
Board of Aldermen/Mayor Election
H 734 (Ch. 174) ..... 261, 270, 271, 279.
Buy Certain Land (A. D. Ward)
H 840 (Ch. 364) ..... 382, 413, 443, 450.
Community Development Funds
H 365 (Ch. 115) ..... 170, 208, 217, 222.
Firemen's Fund
H 366 (Ch. 551) ..... 551, 612, 625, 634.
Mayor's Vote
H 788 (Ch. 266) ..... 319, 359, 367, 375.
New Bern/Craven
School Board Change
H 576 (Ch. 236) ..... 288, 328, 338, 345.
Road Hunting Limited
H 504 (Ch. 305) ..... 204, 273, 300, 333, 351, 403.
Credit—see Interest
Credit Union—see Banking
Cremation—see Public Health
Criminal Justice Education and Training Standards Commission—see Law Enforcement
Criminal Law
Age Terminology
H 146 (Ch. 175) ..... 227, 269, 277, 293.
Altered Vehicle/Parts Possession Misdemeanor
H 122 (Ch. 592) ..... 551, 635, 643, 653, 664.
Animal Larceny Punishable as Felony/Misdemeanor
S 72 (Ch. 35) ..... 56, 63, 66, 98.
Auction Sales to Local Public Officials
S 648 (failed 2nd rdg) ..... 693, 748, 762.
Bigamy Made Misdemeanor
H 921 (failed 2nd rdg) ..... 407, 427, 444.
Child Sexual Exploitation Crime
S 330 (H ppi) ..... 254, 357, 372, 418, 448, 457, 474, 484.
Child Support Garnishment to 40% of Wages
S 514 (H Rules Com) ..... 422, 708, 718, 767, 781, 784, 791.
Concealed Weapon Law Simplified
H 67 (Ch. 86) ..... 116, 149, 156, 159, 166, 183.
Consumer Protection Amendments
H 1319 (Ch. 721) ..... 710, 760, 774, 783.
Court Ordered Community Service/Workers Comp
S 644 (H Rules Com) ..... 675, 800, 823.
Crime Victims Compensation Comm'n Established
H 177 (Ch. 832) ..... 335, 411, 689, 849, 870.
Criminal Code Revision Study Committee Established
H 1379 (Ch. 921) ..... 884, 888, 890, 891, 899.

Criminal Law (continued)
Criminal Crop Default Laws
H 38 (Ch. 623) ..... 477, 628, 643, 679.
Criminal Disturbance Laws Repealed
H 36 (Ch. 39) ..... 84, 95, 101, 104.
Currency Transactions Reports Required
H 945 (Ch. 815) ..... 637, 800, 823, 855.
Defense Resisting Unlawful Arrest Removed
H 21 (Ch. 762) ..... 429, 787, 804, 819, 827.
Disabled Adult Abuse
H 1356 (Ch. 901) ..... 791, 873, 887.
Drugs
Money Forfeiture/Drug Dealing—1
H 711 (Ch. 528) ..... 319, 361, 458, 475, 480, 619.
Money Forfeiture/Drug Dealing—2
S 317 (H 748) (unf rpt) ..... 247, 682.
Drunk Driving
Drunk and Disruptive Expanded
H 961 (J III Com) ..... 660.
Motor Vehicle Seizure
S 53 (unf rpt) ..... 50, 311.
DWI/Dram Shop/Beer Age Amendments
S 1 (H 1) (Ch. 435) ..... 24, 83, 90, 139, 147, 150, 162, 226, 245, 501, 542, 548.
Embezzlement Misdemeanor Offenses
H 178 (J II Com) ..... 406.
Escape Law/Allowing Prisoner
H 1173 (Ch. 694) ..... 684, 692, 704, 752.
Evidence
Evidence Laws Revision
S 43 (unf rpt) ..... 46, 758.
H 96 (Ch. 701) ..... 538, 629, 643, 653, 670, 676, 764.
Safe Roads Act Amendment
H 1392 (Spec W&M Com) ..... 815.
Social Worker Certification—1
S 38 (Hum Res Com) ..... 43.
Social Worker Certification—2
S 83 (Ch. 495) ..... 63, 107, 143, 151, 477, 561, 574, 586.
Speed-Measuring Instrument Tests Admissible
S 62 (Ch. 34) ..... 53, 63, 66, 98.
Federal Prisoners in County Jail
H 400 (Ch. 219) ..... 174, 245, 257, 258, 262, 271, 280, 289, 320.
Felony
Auto/Aircraft Breaking and Entering Classified
S 319 (H 749) (failed 2nd rdg) ..... 247, 464, 474.
Breaking and Entering Classified Under Murder Rule
S 316 (H 416) (unf rpt) ..... 247, 758.
Child Abuse Class E Felony—2
S 318 (Ch. 653) ..... 247, 458, 474, 574, 682, 695, 705.
Child Custody Violation Expanded
H 744 (Ch. 563) ..... 401, 571, 608, 639.

Criminal Law (continued)
Felony (continued)
Conduct Credit Exemptions/Clarification
S 404 (Ch. 560) ..... 311, 418, 437, 633.
Contamination Water System
H 943 (Ch. 507) ..... 478, 563, 577, 585, 595.
Conspiracy Punishment Classifications
S 321 (Ch. 451) ..... 248, 369, 374, 385, 391, 553.
Court Officials Assaults/Threats
H 154 (Conf Com) ..... 96, 105, 111, 114, 139.
Drug Sales to Minors Classified
S 337 (Ch. 414) ..... 264, 393, 402, 493.
Escape Classification
S 235 (Ch. 465) ..... 203, 340, 349, 359, 365, 567.
Escape From Jail Classification
H 817 (Ch. 455) ..... 390, 482, 491, 559.
Kidnapping Third Degree Added—Class G
S 641 (J II Com) ..... 668.
Legislative Bribery Definition/Classification
H 1253 (Ch. 780) ..... 637, 795, 824, 841.
Marijuana Possession Punishment Classification
S 342 (failed 2nd rdg) ..... 265, 453, 460.
Murder Second Degree Defined
S 324 (unf rpt) ..... 254, 758.
Odometer Fraud Classification
H 1118 (W&M/Transp Com) ..... 592.
Parole Commission Assault (Class H)/Threat (Class J)
S 651 (H Rules Com) ..... 693, 766, 893, 899, 900.
Forgery Law Revision
S 469 (Ch. 397) ..... 377, 393, 402, 468.
Gambling
Bingo Amendments—Ch. 896
S 22 (H 80) (Ch. 757/see S 313-Ch. 923) ..... 34, 799, 802, 807, 809.
Bingo/Raffle Law Revision—1
H 489 (Ch. 896/see S 313-Ch. 923) ..... 750, 798, 803, 819, 820, 829, 843, 854, 874, 882, 886.
Bingo/Raffle Law Revision—2
S 536 (reref Fin Com) ..... 459, 657.
Bingo Regulation and Taxation
S 276 (Withdrawn) ..... 225.
Lottery Act with Referendum
S 275 (tabled) ..... 225, 311, 381, 391, 395, 401, 423, 939.
Lottery Act Without Referendum
S 274 (Rules Com) ..... 225.
Lottery Referendum Funds
S 482 (Appr Com) ..... 394.
Lottery Study—2/LRC
S 25 (H 49) (Rules Com) ..... 35.
Harboring Person Subject to Warrant
H 947 (Ch. 564) ..... 552, 571, 608, 639.
Injury by Vechicle/Misdemeanor
S 339 (unf rpt) ..... 265, 758.

Criminal Law (continued)
Involuntary Servitude Felony
H 684 (Ch. 746) .....582, 689, 711, 747, 773, 810.
Jail Confinement Laws Recodified
H 37 (Ch. 631) ..... 543, 640, 653, 687.
Juror Harassment Law Rewrite
H 944 (J III/Law Enf C&J Com)..... 591.
Littering from Farm Product Vehicle
S 685 (Ch. 890)..... 814, 820, 833, 881.
Minerals Lien Trusts
S 569 (Ch. 888)..... 543, 787, 804, 881.
Nonsupport Penalty Increased
H 548 (J III Com) ..... 447.
Obscenity Law Amendments
H 575 (Spec W&M Com) ..... 676.
Parade Weapon Ban/Truck Racks
H 698 (Ch. 633) .....574, 659, 670, 678, 687.
Penalty
Death Penalty Abolished
S 439 (tabled) ..... 343.
Police Assault Mandatory Sentence
S 30 (J I Com) ..... 36.
Police Animal Injury Crime
H 918 (Ch. 646) ..... 544, 659, 670, 705.
Probation
Community Service for Littering
S 162 (H unf rpt).....116, 161, 175.
Public Aid Fraud Criminal Offense
S 288 (J II Com) ..... 230.
Public Officials Self-Dealing
H 1062 (Ch. 544) .....490, 571, 608, 619, 627.
Public Purchase for Private Benefit
H 1036 (Ch. 409) .....454, 464, 475, 480, 485.
Sexual Offense
Felony Classification Involving Child
S 165 (Ch. 916).....116, 118, 207, 215, 244, 260, 271, 861, 872, 874, 895, 896, 898.
Rape Indictment Law Technical Changes
H 1260 (Ch. 720) ..... 623, 690, 705, 724, 756, 766, 783.
Rape Victim Assistance Costs/Kits
H 1130 (Ch. 715) .....630, 748, 763, 773, 783.
Sheriff as Tax Collector Deletions
H 343 (Ch. 670) .....544, 659, 670, 678, 713.
Shopping Cart Theft
S 473 (Ch. 705).....381, 411, 424, 716, 751. 764.
Technical Amendments
H 713 (Ch. 294) ..... 319, 358, 367, 387.
Utility Reconnection Crime
H 989 (Ch. 508) .....447, 563, 577, 586, 595.
Vagrancy and Tramps Laws Repealed
H 35 (Ch. 17) ..... 67, 74, 79, 82.

Criminal Law (continued)
Vehicle Forfeiture—Robbery
H 264 (Ch. 74) ..... 155, 161, 166, 172.
Weapons
Concealed Weapons by Police Reserve/Aux.
S 70 (unf rpt) ..... 56, 759.
Confiscated Weapons to SBI
H 949 (Ch. 517) ..... 478, 571, 585, 595.
Mass Destruction Definition/Felony Classification
H 946 (Ch. 413) ..... 423, 464, 475, 485, 493.
Shooting Contests at ABC Sites Prohibited
S 587 (H Rules Com) ..... 564, 602, 617, 640, 661, 677.
Witness Intimidation/Felony Classification
H 922 (recom J III Com) ..... 407, 621, 633.
Worthless Check Restitution Required
H 567 (Ch. 741) ..... 660, 683, 696, 709, 719, 809.
Criminal Procedure
Aggravating Factor Crime for Hire
H 192 (Ch. 70) ..... 112, 149, 156, 160, 163.
Arrest Record Expunged
S 123 (failed 3rd rdg) ..... 91, 207, 221, 242, 255, 262, 369, 374, 383, 390.
Arrested Minor's Parents Informed
H 544 (Ch. 681) ..... 659, 682, 696, 720.
Bail
Bail Bond Forfeitures
S 681 (H Rules Com) ..... 797, 811, 832.
Bail Bond Reasons Stated
H 263 (unf rpt/see H 661) ..... 354, 602.
Judges Discretion Increased
H 705 (J III/Law Enf C&J Com) ..... 637.
Child Support Probation Condition
S 90 (H 180) (Ch. 567) ..... 67, 148, 166, 175, 180, 376, 383, 622, 631, 639.
Community Penalty in Lieu of Prison
H 830 (Ch. 909) ..... 884, 888, 890, 892.
Court Waiver/Hunt/Fish/Boat Offense
H 1214 (Ch. 586) ..... 574, 629, 638, 645, 655.
Criminal Law Technical Amendments
H 713 (Ch. 294) ..... 319, 358, 367, 387.
Discovery to Criminal Defendant
H 1143 (Ch. 759) ..... 798, 800, 804, 810.
Dispute Settlement Centers
S 77 (reref Appr Com) ..... 61, 168, 180, 828, 854.
DUI/2nd Offense Prohibits Plea Bargaining
S 423 (J I Com) ..... 334.
Evidence
Confidential Information/Judge Override
H 235 (Ch. 410) ..... 109, 427, 455, 493.
DWI/Dram Shop/Beer Age Amendments
S 1 (H 1) (Ch. 435) ..... 24, 83, 90, 139, 147, 150, 162, 226, 245, 501, 542, 548.

Criminal Procedure (continued)
Evidence (continued)
Evidence Laws Revision
S 43 (unf rpt) ..... 46, 758.
H 96 (Ch. 701) ..... 538, 629, 643, 653, 670, 676, 764.
Spouse Testimony in Criminal Trials
H 66 (Ch. 170) ..... 187, 240, 249, 257, 279.
Execution Abolished
S 439 (tabled) ..... 343.
Execution by Drugs
S 323 (Ch. 678) ..... 254, 340, 465, 479, 491, 539, 546. 701, 712, 720.
Executions Date Specified
S 503 (Calendared 6-84) ..... 421, 715, 762, 781, 804.
Fair Sentencing Consolidated Crimes
H 1034 (Ch. 453) ..... 460, 537, 547, 554.
Felony
Venue in Two-County Cities
S 504 (Ch. 727) ..... 421, 453, 461, 716, 760, 771, 783.
Fire Investigative Searches—1
H 693 (unf rpt) ..... 390, 758.
Fire Investigative Searches—2
S 315 (Ch. 739) ..... 247, 602, 616, 794.
Forest Laws Enforcement Revisions
S 194 (Ch. 327) ..... 165, 302, 313, 331, 335, 406, 415, 424.
Hunting/Fishing Without License
H 385 (Spec W&M Com) ..... 710.
Incompetent Defendant Dismissal
S 320 (H ppi) ..... 247, 369, 374, 383.
H 700 (Ch. 460) ..... 395, 482, 491, 540, 568.
Involuntary Commitment Procedures
S 75 (Ch. 380) ..... 58, 253, 261, 270, 275, 455.
Jury Instruction Conference Required
H 1192 (Ch. 635) ..... 630, 658, 671, 678, 687.
Juvenile Records for Sentencing
S 184 (H-tabled) ..... 150, 411, 448.
Narcotics Investigation Comm'n Study/LRC
S 455 (reref Appr Com) ..... 364, 758.
Parole
Community Service Restitution Program
S 430 (H J 1 Com) ..... 335, 358, 365, 372, 375, 376, 391.
Early Due to Overcrowding
H 832 (Ch. 557) ..... 407, 602, 618, 626, 634.
Denial for Dangerous Inmates
H 681 (Ch. 547) ..... 292, 562, 585, 627.
Notification to DA
H 1272 (Spec W&M Com) ..... 717.
Parole Procedure Amended
H 839 (J III/Law Enf C&J Com) ..... 591.
Supervision Fee Required
H 471 (Ch. 562) ..... 401, 580, 593, 607, 639.
Pregnant Defendants Delay Sentence
H 236 (Ch. 389) ..... 319, 418, 439, 468.

Criminal Procedure (continued)
Prior Conviction Suppress Procedure
H 1077 (Ch. 513) ..... 478, 571, 586, 595.
Probation
Condition Technical Amendment
H 1367 (Ch. 712) ..... 717, 749, 764, 775.
Harboring Violator Misdemeanor
H 1316 (unf rpt) ..... 676, 700, 807.
Regular/Special Conditions
H 455 (Ch. 561) ..... 401, 453, 462, 580, 593, 607, 639.
Revocation Out-of-County
H 774 (Ch. 536) ..... 552, 602, 617, 627.
Punishments Established by Constitution
S 631 (H 389) (H Rules Com) ..... 629, 758, 781, 791.
Rape Indictment Law Technical Changes
H 1260 (Ch. 720) ..... 623, 690, 705, 724, 756, 766, 783.
Safe Roads Act Amendment
H 1392 (Spec W&M Com) ..... 815.
Sentencing/Military Honorable Discharge Mitigating Factor
H 527 (Ch. 606) ..... 323, 649, 662, 672.
Speedy Trial Law Amended
H 384 (Ch. 571) ..... 478, 602, 617, 645.
Traffic Ticket Without Signature
H 522 (J II Com) ..... 287.
Cumberland County—District 12—Senator Anthony E. Rand
Senator Lura Tally
District 18—Senator R. C. Soles, Jr.
"Blue Law" Referendum
H 866 (Ch. 368) ..... 378, 413, 443, 451.
Board of Education
Chairman/Vice-Chairman Election
S 132 (Ch. 99) ..... 93, 140, 146, 202.
Fayetteville
Civil Service Commission
H 739 (Ch. 244) ..... 288, 329, 339, 346.
Economic Development
H 566 (Ch. 235) ..... 288, 328, 338, 345.
St. Joseph's Church Restoration
S 336 (Appr Com) ..... 264.
School Board Pay
H 611 (Ch. 263) ..... 308, 312, 359, 366, 375.
Currituck County—District 1—Senator Melvin R. Daniels, Jr.
Board of Education/Currituck Teacherage
S 358 (Appr Com/see S 313-Ch. 923) ..... 281.
Game Commission Revision
H 612 (Ch. 764) ..... 750, 777, 792, 827.
Custody—see Child Welfare; Divorce

—D—

Dams
Dam Safety Law Amended
H 643 (Ch. 306) ..... 348, 388, 397, 403.

Dance Company/Festival Funds — see Appropriations (Arts)
Daniels, Melvin Roy, Jr.—Senator Beaufort (part), Camden, Currituck, Dare, Hyde, **Pasquotank,** Perquimans, Tyrrell and Washington (part)—**1st District**
Absent With Leave ..... 38, 40, 42, 172, 181, 184, 191, 425, 452, 456, 463, 765, 775, 784, 794, 809.
Adjournment Motion ..... 554.
Appointment — Advisory Budget Commission ..... 23.
Certificate of Election ..... 5.
Committees: Assignments ..... 14, 15, 19, 20, 22.
Standing—
Ways and Means/Small Business (Chairman)
Public Utilities and Energy (Vice-Chairman)
Ways and Means/Economy (Vice-Chairman)
Agriculture—Appropriations—Appropriations/Natural and Economic Resources—Banking—Base Budget—Natural and Economic Resources—Ways and Means
Conference—
H B 109 ..... 158, 199.
H B 124 ..... 668, 674.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 112, 113, 135, 185, 203, 211, 252, 272, 284, 358, 398, 468, 487, 563, 572, 584, 611, 619.
Co-Sponsor ..... 39, 76, 84, 96, 117, 127, 128, 130, 131, 136, 144, 150, 153, 161, 177, 179, 188, 189, 276, 331, 356, 357, 374, 393, 404, 412, 413, 424, 429, 430, 484, 488, 511, 513, 514, 570, 589, 596, 605, 623, 631, 643.
Dare County—District 1—Senator Melvin R. Daniels, Jr.
Airport Authority Ordinances
H 881 (Ch. 892) ..... 834, 874, 886.
Impounded Cat and Dog Sale
H 314 (Ch. 166) ..... 150, 219, 228, 249, 272.
Junkyard Control
H 1465 (Ch. 841) ..... 835, 851, 853, 871.
Kitty Hawk Fire District Changed
H 573 (Ch. 206) ..... 267, 298, 307, 316.
Library Theft Penalties
H 616 (Ch. 349) ..... 335, 427, 441, 449.
Roanoke Voyages Corridor Comm'n Change
H 662 (Ch. 242) ..... 288, 329, 339, 346.
Davidson County—District 23—Senator Jack Childers
Senator Robert M. Davis
Force Accounts
H 1012 (Ch. 295) ..... 383, 387.
Lexington Firemen's Benefit Raise
S 140 (Ch. 462) ..... 96, 192, 205, 567.
Sheriff Deputy Program
H 530 (Ch. 344) ..... 378, 411, 440, 449.
Davie County—District 23—Senator Jack Childers
Senator Robert M. Davis
Ambulance Service
H 95 (Ch. 42) ..... 85, 106, 110, 114.

Davie County (continued)
Conveyance Allowed/Medical Professionals
H 514 (Ch. 203) ..... 261, 298, 306, 316.
Davis, Robert M.—Senator Davidson, Davie, **Rowan—23rd District**
Absent With Leave ..... 177, 309.
Adjournment Motion ..... 101, 321, 332, 451.
Certificate of Election ..... 6.
Committees: Assignments ..... 14, 16, 17, 18, 218.
Standing—
Judiciary III/Law Enforcement and Criminal Justice (Vice-Chairman)
Appropriations—Appropriations/Education—Base Budget—Education—
Judiciary III—Local Government and Regional Affairs
Select—
Senate Bills: 165, 445; House Bills 683, 723, 869, 1003.
Oath of Office ..... 7.
Recorded Present ..... 309.
Votes/Excused: SB 439 ..... 343.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 42, 79, 161, 189, 311, 323, 324, 326, 344, 371, 375, 607, 608, 627, 647 (by request), 697.
Co-Sponsor ..... 1, 36, 68, 69, 71, 84, 108, 114, 117, 121, 129, 130, 136, 140, 144, 145, 157, 162, 177, 178, 179, 206, 207, 259, 283, 295, 312, 331, 374, 393, 399, 404, 413, 414, 415, 424, 425, 429, 430, 438, 450, 471, 513, 537, 552, 570, 596, 605, 609, 631, 643, 646, 650, 653.
Endorsement Withdrawn ..... 111.
Day Care—see Aged; Child Welfare
Deaf—see Handicapped (Hearing Impaired)
Death—see also Criminal Procedure; Medicine; Mortuary
Death Penalty—see Criminal Procedure
DeBruhl, Claude—Honored (Former Member of General Assembly)
H 1385 (Res. 45) ..... 779, 793.
Deeds
Register of Deeds
Computer Indexes
H 1284 (Ch. 699) ..... 660, 709, 720, 752.
Indexes of Certain Instruments
S 189 (Ch. 127) ..... 154, 169, 176, 222.
Land Parcel Index Dates
H 24 (Ch. 49) ..... 44, 107, 113, 117.
Maps/Plats Validated
S 608 (Ch. 756) ..... 590, 628, 638, 791, 806, 809.
Uniform Register of Deeds Retirement System Created
S 532 (reref Appr Com) ..... 454, 691.
Seal Requirement Eliminated
H 298 (Ch. 398) ..... 414, 453, 462, 467, 476.
Defendants—see Criminal Law; Criminal Procedure
Deferred Compensation—see Salaries
Dentist—see Medicine
Department Rules/Policies—see Administrative Procedures
Dectective—see Law Enforcement

Disability
Adults/Public Assistance Program
S 10 (Ch. 14) ..... 32, 36, 39, 73.
Disability Benefits—see Retirement
Disasters—see Civil Defense
Discount Buying—see Commerce and Business
Discovery—see Criminal Procedure
Dispute Settlement Centers—see Criminal Procedure
District Attorney—see Judicial Department
Districts, Senatorial ..... 3, 5, 916.
Divorce—see Married Persons
Doctor—see Medicine
Dogs—see Public Health; Wildlife
Domiciliary Home—see Aged; Social Services
Dram Shop—see Safe Roads Act (SB 1—Ch. 435)
Driver's License—see Motor Vehicles (License, Operator's)
Drugs—see Medicine
Drunk Driving—see Criminal Law (Drunk)
Drunkenness—see Mental Health (Commitment)
Dual Office Holding—see Elections
Duncan, Conrad Riley, Jr.—Senator Alleghany, Ashe, **Rockingham**, Stokes, Surry, and Watauga—**24th District**
Absent With Leave ..... 60, 62, 90, 94, 99, 105, 107, 198, 203, 251, 260, 264, 268, 272, 279, 285, 579, 635.
Adjournment Motion ..... 84.
Appointment: Advisory Budget Commission ..... 23.
Certificate of Election ..... 6.
Committees: Assignments ..... 14, 15, 16, 19, 20, 22, 23, 28, 808.
Standing—
Finance (Co-Chairman)
Banking (Vice-Chairman)
Agriculture—Appropriations—Base Budget—Manufacturing, Labor and Commerce—Pensions and Retirement—Public Utilities and Energy—Rules and Operation of the Senate, State Government/Veterans and Military Affairs—Ways and Means—Ways and Means/Economy—Ways and Means/Transportation
Conference—
SB 117 ..... 310, 405.
SB 209 ..... 702.
HB 278 ..... 646, 725.
HB 413 ..... 588, 674.
HB 426 ..... 838, 868.
HB 489 ..... 855, 875.
HB 503 ..... 484, 665.
HB 559 ..... 908.
Escorts President Pro Tempore ..... 9.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 98, 117, 223, 322, 449, 500, 555, 556, 565, 618, 648, 651, 677.

Duncan, Conrad Riley, Jr.—Senator (continued)
Bills and Resolutions (continued)
Co-Sponsor ..... 36, 38, 71, 108, 114, 127, 129, 130, 136, 144, 153, 176, 177, 188, 202, 206, 215, 259, 295, 327, 374, 393, 412, 413, 424, 429, 430, 438, 458, 484, 513, 537, 538, 539, 564, 570, 582, 596, 605, 623, 631, 643, 650, 653, 666, 679.
Bill Withdrawn ..... 276.
Endorsement Withdrawn ..... 111.
Dunes—see Natural and Economic Resources (Coastal Area)
Duplin County—District 5—Senator Harold W. Hardison
Ambulance Fee Collection
H 825 (Ch. 424) ..... 447, 483, 492, 540, 548.
Durham County—District 13—Senator William G. Hancock, Jr.
Senator Kenneth C. Royall, Jr.
Ambulance Lien
H 348 (Ch. 186) ..... 204, 269, 277, 283, 293.
Durham
Charter Amendments
S 386 (Ch. 458) ..... 291, 328, 336, 344, 551, 559.
Community Arts Center Project
S 560 (Appr Com/see S 313—Ch 923) ..... 490.
Contracting Authority for Public Purpose
H 878 (Ch. 370) ..... 378, 413, 443, 451.
Economic Development Grants and Loans
S 388 (H 873—Ch 255) (H unf rpt) ..... 291, 337.
Economic Development/Low-Mod Income
H 873 (S 388) (Ch. 255) ..... 348, 356.
Fair Housing
H 887 (Ch. 373) ..... 349, 414, 444, 451.
Minority/Women Enterprises
H 874 (Ch. 474) ..... 349, 556, 566, 579.
Wards Boundaries
H 870 (Ch. 369) ..... 378, 413, 443, 451.
Retirement Benefits—Firemen
S 74 (Ch. 463) ..... 58, 108, 113, 567.
School Board Mileage Allowance
H 469 (Ch. 124) ..... 200, 209, 218, 223.
DWI (Driving While Impaired)—see Motor Vehicles

—E—

Earth Resources Council Abolished—see Boards and Commissions
Edgecombe County—District 2—Senator J. J. Harrington
District 6—Senator Julian R. Allsbrook
Drift Hunting/Swift Creek
H 1387 (Ch. 747) ..... 718, 788, 801, 810.
Impounded Dogs and Cats Sold
H 849 (Ch. 683) ..... 637, 683, 696, 720.
Lease Exemptions
H 635 (Ch. 240) ..... 288, 328, 338, 346.

Edgecombe County (continued)
Princeville Redevelopment
H 765 (Ch. 265) ..... 319, 359, 367, 375.
Rocky Mount
Firemen Supplemental Retirement
H 97 (Ch. 498) ..... 543, 572, 584, 594.
Zoning Regulation
H 441 (Ch. 122) ..... 200, 209, 218, 223.
School Board Changes
H 608 (Ch. 262) ..... 312, 359, 366, 375.
Sheriff Deputy Program
H 530 (Ch. 344) ..... 378, 411, 440, 449.
Education—see also Higher Education; Individual County
Administrative Offices State Funded/Limitation
S 520 (reref Appr Com) ..... 436, 446.
Beer/Wine on School Property Prohibited
S 682 (Ch. 917) ..... 797, 811, 832, 897, 898.
Board, Local
Officers Election Date
H 484 (Ch. 324) ..... 275, 389, 397, 425.
Organizational Annual Meeting
H 329 (Ch. 408) ..... 221, 369, 379, 393, 408, 439, 462, 485.
Board, State
Annual Test Selection
H 1114 (Ch. 627) ..... 605, 657, 671, 679.
Appointment Confirmation
H 646 (Res. 8) ..... 138, 227, 233, 234, 238.
Children with Special Needs Changes
S 127 (Ch. 247) ..... 92, 191, 205, 210, 344.
Children with Special Needs Defined
S 571 (refef Appr Com) ..... 543, 562.
Cooperative Program—High School/Community College
H 1044 (Ch. 596) ..... 538, 640, 654, 664.
County Superintendent Local Selection
S 413 (Ch. 478) ..... 318, 426, 438, 579.
Education Finance Revisions
S 396 (H 1055) (Fin Com) ..... 304.
Equipment Funds—Eastern School for Deaf
S 678 (Appr Com/see S 313—Ch 923) ..... 790.
Film Loan from State Library Priorities
H 1176 (Ch. 819) ..... 592, 621, 633, 845, 855.
Hearing Impaired Specialist/Technician Funds
H 1137 (Ch. 856) ..... 858, 871.
Literary Fund Loan Interest Raised
S 366 (Ch. 477) ..... 286, 310, 320, 579.
Math and Science School Charge Tuition
S 426 (Ed Com) ..... 334.
Noncertified Employee Salary Increase
S 415 (Appr Com) ..... 318.
Noncertified School Worker Pay
S 257 (Appr Com) ..... 220.

Education (continued)
Personnel Admin. Comm'n for Public School Employee
S 516 (H Ed Com).....428, 464, 474.
Personnel Leave Benefits
S 458 (Ch. 872).....364, 847, 880.
Personnel System Revisions
S 397 (H 1053) (reref to Appr Com).....304, 777.
Political Meetings in Public Buildings
S 418 (Ch. 519).....322, 419, 430, 594.
Public Education Policy Council Established
S 630 (reref Appr Com).....629, 699, 719.
H 1307 (Ch. 860).....859, 882.
Public School Land
H 1003 (Ch. 731).....669, 699, 712, 715, 751, 793.
Rockingham High School Land Funds
S 677 (Appr Com/see S 313-Ch. 923).....790.
School Bus
Elderly/Use of School Bus
S 20 (St Gov/Sr Citz Com).....33.
H 47 (St Gov/Sr Cit Com).....884.
State Board of Education Authority
S 547 (Ch. 630).....472, 621, 632, 638, 659, 669, 679.
H 1162 (Ed Com).....622.
Stopping Requirements—1
H 683 (Ch. 779).....305, 420, 431, 435, 455, 462, 610, 754, 821, 825, 841.
Stopping Requirements—2
H 869 (reref Spec Com).....378, 420, 432, 434.
Transportation System Study—LRC
S 546 (H 1180) (reref Appr Com).....472, 563.
School Consolidation Procedures—1
H 852 (Ch. 308).....371, 393, 403, 409.
School Consolidation Procedures—2
H 1353 (Ch. 752).....780, 788, 805, 810.
School Crosswalk Violation Penalty
H 282 (Spec W&M Com).....684.
School Day/Year Extensions Funding Limited
S 664 (Sp W&M Com).....761.
School Fund Receive Court Fee
S 65 (Fin Com).....54.
School Initial Entry Age Fixed (Oct 16)
S 603 (Ch. 656).....582, 621, 632, 638, 713.
School Law Study by Committees
S 143 (reref Appr Com).....100, 621.
Superintendent/State Board Selection
S 395 (H 1060) (J II/Const Amd Com).....304.
Teachers
Continuing Education Credit Funds
S 592 (H 1217) (Appr Com).....573.
Exchange Program—College Professors
H 334 (Res. 27).....282, 369, 396, 398, 416, 587.

Education (continued)
Incentive Loan Program
S 522 (Appr Com) ..... 436.
Leave Without Pay Study—LRC
H 1080 (Rules Com) ..... 651.
Payroll Deduction/Association Membership Dues
S 515 (H 1039) (reref Appr Com) ..... 423, 435, 570.
Salary Grade Eleven
S 399 (Ed Com) ..... 304.
Teacher/Principal Tenure Changes
H 1400 (Ch. 770) ..... 762, 788, 805, 828.
Tenure Pilot Program/Charlotte-Mecklenburg
H 796 (Ch. 394) ..... 382, 426, 434, 442, 469.
Workday Scheduled on Election Day
H 621 (Res. 31) ..... 552, 613, 625, 634.
Textbook Bid Opening/Book Fee Remittance
S 507 (Ch. 549) ..... 421, 464, 474, 626.
Twelfth Grade Study Continued/LRC
S 343 (H 753) (Rules Com/see H 1142-Ch. 905) ..... 265.
Vacation/Twelve-Month Employee
S 376 (reref Appr Com) ..... 287, 392.
Vocational
Equipment Funds/Secondary School
S 527 (Appr Com) ..... 436.
Guidance/Job Training Partnership Funds Used
S 613 (H Rules Com) ..... 590, 767, 781.
Handicapped Funds
S 695 (Appr Com) ..... 842.
Junior High School
S 374 (Ch. 340) ..... 286, 310, 320, 429, 445.
Law Changes
S 567 (Ch. 750) ..... 538, 621, 632, 638, 809.
Skills Program Approp. Contingency
H 1473 (Ch. 907) ..... 885, 887.
Edwards, Elton—Senator Forsyth (part) and **Guilford** (part)—**19th District**
Absent With Leave ..... 569, 579, 809, 827.
Adjournment Motion ..... 46, 191, 233, 596.
Appointment: Chair Public Hearing—SB 89 and 90 ..... 85.
Certificate of Election ..... 6.
Committees: Assignments ..... 14, 16, 17, 18, 22, 47, 218.
Standing—
Base Budget (Co-Chairman)
Judiciary II/Constitutional Amendments (Vice-Chairman)
Appropriations—Appropriations/Justice and Public Safety—Base Budget—Finance—Higher Education—Insurance—Judiciary II— Ways and Means—Ways and Means/Economy
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003.
Conference—
SB 165 ..... 872, 895.
HB 331 ..... 333, 364.
HB 426 ..... 838, 868.
HB 767 ..... 716, 813.

Edwards, Elton—Senator (continued)
Oath of Office ..... 7.
Recorded Present ..... 827.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 193, 229, 248, 282, 330, 349, 350, 413, 414, 631, 692.
Co-Sponsor ..... 22, 23, 36, 76, 84, 114, 117, 129, 130, 136, 144, 145, 161, 206, 207, 242, 323, 331, 373, 374, 393, 412, 415, 429, 430, 438, 458, 463, 464, 471, 504, 513, 552, 561, 596, 597, 609, 643, 644, 653, 689, 690.

Edwards, James H.—Senator Avery, Burke, **Caldwell,** Mitchell, and Wilkes—**27th District**
Absent With Leave ..... 42, 325.
Adjournment Motion ..... 59, 655.
Certificate of Election ..... 6.
Committees: Assignments ..... 14, 15, 17, 18, 22, 656.
Standing—
Banking (Chairman)
Human Resources (Vice-Chairman)
Appropriations—Appropriations/Education—Base Budget—Insurance—Judiciary III—Judiciary III/Law Enforcement and Criminal Justice—Ways and Means
Select—
Special Ways and Means
Conference—
SB 117 ..... 310, 405.
HB 154 ..... 139.
HB 255 ..... 681, 813.
HB 559 ..... 908.
HB 800 ..... 657, 689.
HB 810 ..... 885, 904.
HB 933 ..... 861, 888.
HB 1191 ..... 818, 833.
HB 1221 ..... 707, 756.
Escorts President Pro Tempore ..... 9.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 65, 81, 102, 118, 119, 158, 190, 224, 225, 226, 228, 236, 238, 239, 257, 263, 335, 366, 381, 382, 384, 402, 403, 444, 445, 477, 505, 517, 520, 577, 640, 660, 680, 687.
Co-Sponsor ..... 1, 2, 22, 23, 36, 37, 38, 44, 67, 69, 73, 76, 79, 117, 129, 136, 144, 154, 161, 176, 177, 206, 216, 256, 259, 295, 303, 308, 323, 329, 344, 350, 374, 393, 404, 412, 413, 424, 430, 471, 475, 479, 513, 515, 533, 536, 537, 538, 543, 544, 546, 547, 562, 564, 570, 575, 592, 597, 623, 631, 643, 646, 650, 653, 693.
Endorsement Withdrawn ..... 111.

Elderly—see Aged

Elections
Address Change on Election Day
H 295 (Ch. 392) ..... 255, 420, 431, 439, 468.

Elections (continued)
Ballot
Ballot Counting/Voter Transfer
H 281 (Ch. 411) ..... 227, 459, 467, 493.
Voting for Mixed Ticket
S 133 (unf rpt) ..... 95, 604.
Ballot, Absentee
Application/Simultaneous Issuance
H 485 (Ch. 304) ..... 266, 389, 397, 403.
Thirty Days Before Election
H 484 (Ch. 324) ..... 275, 389, 397, 425.
Campaign
Checkoff Funds Distribution
S 84 (Ch. 139) ..... 65, 144, 159, 165, 243.
Checkoff Funds Unlimited
S 441 (Ch. 481) ..... 347, 427, 438, 579.
Checkoff Line on Tax Form
S 440 (Ch. 480) ..... 347, 426, 438, 579.
Election Fund Distribution by Party Chairman
S 506 (H 1079) (Ch. 700) ..... 421, 637, 643, 752.
Spending Limitations—Executive/Legislative Office
S 226 (St Gov/Elec Laws Com) ..... 193.
Candidate
Candidacy Limited to One
H 253 (Ch. 330) ..... 165, 420, 431, 445.
Resign Currently Held Office to Campaign
S 219 (unf rpt) ..... 187, 604.
Cherokee Voter Assistance
S 447 (Ch. 310) ..... 353, 358, 366, 409.
City Plurality Election Filing
H 906 (Ch. 644) ..... 466, 649, 670, 705.
Constitutional Amendment Election Date
S 46 (H 188) (J II/Const Amd Com) ..... 48.
Contested Certification Procedures
H 157 (Ch. 329) ..... 319, 419, 430, 445.
County Supervisor Removal Procedures
H 1237 (Ch. 697) ..... 651, 692, 704, 752.
Election Judge Authority Clarification
H 1070 (Ch. 553) ..... 448, 604, 619, 626, 634.
Federal PACS Contribute in NC—2
S 446 (reref St Gov/Elec Laws Com) ..... 353, 393, 402.
Fund Raising by Parole Commission
S 163 (Rules Com) ..... 116.
Hearings Not Duplicated
S 110 (Ch. 210) ..... 80, 144, 159, 316.
Party Meetings in Public Buildings
S 418 (Ch. 519) ..... 322, 419, 430, 594.
Presidential Preference Primary/Party Allocation
S 126 (Ch. 216) ..... 92, 213, 221, 321.
Presidential Primary Nominations
S 628 (Ch. 729) ..... 614, 649, 661, 793.

Elections (continued)
Referendum for Statewide Lottery
S 482 (Appr Com) ..... 394.
Registration
Driver License Examiners Authorization
H 1112 (Ch. 854) ..... 858, 871.
High School Librarian Authorized
S 157 (Ch. 707) ..... 112, 334, 349, 355, 750, 762, 774.
Librarians Appointed Special Deputies
S 109 (Ch. 588) ..... 80, 144, 159, 166, 641, 652, 663.
New Political Party Requirements
H 1026 (Ch. 576) ..... 447, 604, 618, 645.
Records (Electronic) to State Parties
S 173 (Ch. 218) ..... 144, 213, 221, 321.
Registrars Appointment Date Changed
S 606 (ppi) ..... 582, 649, 656, 661, 677.
H 1254 (Ch. 617) ..... 656, 661, 672.
Sanitary District Vote
H 694 (Ch. 537) ..... 283, 604, 617, 627.
Teacher Workday on Election Day
H 621 (Res. 31) ..... 552, 613, 625, 634.
Technical Amendments
H 386 (Ch. 331) ..... 266, 420, 431, 445.
Utilities Commission by Popular Election
S 98 (Pub Util Com) ..... 70.
Vacancy Filled Until Election
H 1415 (Ch. 827) ..... 834, 851, 854, 860.
Electrical Contracting—see Contractor
Electrification—see Utilities
Electronic Processing—see Appropriations; Computer
Emergency Medical Personnel—see Medicine
Emergency Vehicles—see Motor Vehicles (Emergency)
Eminent Domain—see also Local Government; Individual County
Employee—see Labor; State Personnel
Employment Security
Employment and Training Program Established
S 464 (H Rules Com) ..... 370, 691, 712.
Nonprofit Organization Security
S 669 (H Rules) ..... 778, 787, 804.
"Workfare" Program Established—2
S 609 (reref Appr Com) ..... 590, 748.
Unemployment
Insurance Revisions—1
H 716 (Ch. 585) ..... 423, 611, 625, 644, 655.
Insurance Revisions—2
H 737 (Ch. 625) ..... 406, 611, 626, 632, 644, 679.
National Guard/Army Reserve Equal Treatment
S 607 (Ch. 675) ..... 590, 640, 653, 661, 713.
Training Programs Urged
S 136 (Res. 12) ..... 96, 143, 151, 266, 270, 279.
Energy
Energy Development Authority Established
S 308 (Ch. 652) ..... 246, 393, 407, 415, 676, 685, 694, 705.

Energy (continued)
Gas
Fuel Distributor/Supplier Bond Amount
H 18 (Ch. 220) ..... 161, 272, 300, 324.
Gasohol Partial Tax Exemption (5¢)
S 566 (Ch. 591) ..... 538, 561, 575, 583, 651, 663.
Severance Tax on Production
S 665 (Fin Com) ..... 770.
Nuclear
Emergency Planning Annual Fee
S 307 (Ch. 622) ..... 246, 419, 487, 539, 546, 679.
Southeast Interstate Low-Level Radioactive
Waste Management Compact
S 196 (Ch. 714) ..... 165, 244, 256, 770, 783.
Southern States Energy Compact
S 253 (Ch. 282) ..... 215, 274, 299, 379.
Petroleum Data-Gathering Authority
H 892 (Ch. 575) ..... 454, 563, 577, 585, 618, 645.
Solar
Corporate Tax Credit
H 665 (reref Appr Com) ..... 319, 828.
Individual Tax Credit
H 666 (reref Appr Com) ..... 319, 828.
Solar Law Study—LRC
S 670 (reref Appr Com/see H 1142-Ch. 905) ..... 789, 796.
Engineer/Surveyor—see also Contractors
Board Fees
S 186 (Ch. 183) ..... 154, 212, 221, 293.
Environment—see Natural & Economic Resources
Equal Rights
Personnel Commission/EEOC Deferral Agency
S 289 (Ch. 516) ..... 230, 388, 401, 594.
Equalization Board—see Taxation
Equitable Distribution—see Married Persons (Divorce)
Errata ..... 912.
Escheats—see also Estates
Distribution by University of North Carolina—1
S 80 (Higher Ed Com) ..... 63.
Distribution by University of North Carolina—2
H 1386 (Spec W&M Com) ..... 842.
Escheats Law Revision
H 528 (Ch. 204) ..... 266, 297, 307, 316.
Estates
Administration
Affidavits Filed for Small Estates
H 1167 (Ch. 711) ..... 615, 748, 763, 775.
Banks Exempt from Voucher Requirement
S 462 (H J4 Com) ..... 370, 621, 637, 643, 652.
Court Costs and Fees Increased
H 494 (Fin Com) ..... 473.
Small Estate Size Increased
H 297 (Ch. 65) ..... 116, 140, 151, 157.

Estates (continued)
Perpetuities Reform/Rule Against
H 1405 (Calendared 1984 Session) ..... 834, 889, 890.
Renunciation Provisions Amended
H 302 (Ch. 66) ..... 117, 140, 151, 157.
Ethics—see General Assembly
Eviction—see Landlord & Tenant
Evidence—see Civil/Criminal Procedure
Execution—see Criminal Procedure
Executive Mansion
Fine Arts Committee Meet
H 305 (Ch. 632) ..... 591, 666, 677, 687.
Eyes—see Medicine

—F—

Fair Sentencing—see Criminal Law
Fairgrounds—see Agriculture
Farmer's Market—see Agriculture
Farrell, Claude H., Jr.—Honored
S 480 (Res. 17) ..... 389, 397.
Fees—see also Taxation; Individual Subject
Felony—see Criminal Law
Ferry—see Transportation
Fertilizer—see Agriculture
Festivals—see Appropriations (Celebrations)
Fink, Sylvia Morris—Principal Clerk—Election/Oath ..... 9.
Fire Protection—see also Individual County
County Fire District Furnish Rescue Service
H 1222 (Ch. 642) ..... 631, 667, 678, 687, 698.
Fire District Petition Percentage
H 201 (Ch. 388) ..... 248, 419, 431, 438, 468.
Fire Instructor on Fire Commission
H 1196 (Ch. 840) ..... 676, 760, 850, 871.
Garner Fire Department Funds
S 334 (Appr Com/see S 313-Ch 923) ..... 260.
Investigative Searches—1
H 693 (unf rpt) ..... 390, 758.
Investigative Searches—2
S 315 (Ch. 739) ..... 247, 602, 616, 794.
OSHA Exemptions
S 88 (unf rpt) ..... 67, 280.
H 82 (Ch. 164) ..... 155, 253, 267, 271.
Red Light Use by Assistant Fire Marshall
H 83 (S 86) (Ch. 32) ..... 73, 87, 93, 98.
Rural Fire Department Liability Limited
H 1092 (Ch. 520) ..... 479, 556, 567, 609.
Firearms—see Criminal Law
Firemen's Fund—see Retirement
First Flight Society—see Appropriations (Celebrations/Festivals)
Fiscal Information Act
Fish—see Natural & Economic Resources; Wildlife

Flood Control—see Natural and Economic Resources
Food—see Agriculture
Food Tax—see Taxation (Sales and Use)
Foreclosure—see Mortgages
Foreign Students—see Higher Education
Forestry—see Natural & Economic Resources
Forsyth County—District 19—Senator Elton Edwards
District 20—Senator Richard W. Barnes
Senator Marvin Ward
Emergency Interference
H 816 (Ch. 361) ..... 378, 413, 442, 450.
Fireworks Permits
H 103 (Ch. 21) ..... 59, 75, 79, 82.
Greensboro/High Point Airport
Authority
S 349 (Ch. 444) ..... 274, 297, 305, 314, 553.
Parking
S 282 (Ch. 431) ..... 226, 269, 275, 548.
Old Richmond Courthouse Archaeological Funds
S 281 (Appr Com/see S 313-Ch. 923) ..... 226.
Old Salem Funds
S 227 (Appr Com/see S 313-Ch. 923) ..... 194.
Pistol Permit Fee Under State Law
H 99 (Ch. 101) ..... 141, 183, 189, 194, 202.
Property Tax Release/Refund
S 183 (Ch. 182) ..... 150, 182, 188, 293.
Room Occupancy Tax
H 1458 (Fin Com) ..... 860.
Vehicle Towing Private Lots
S 285 (Ch. 459) ..... 226, 269, 276, 543, 552, 559.
Winston-Salem
Assessment Interest
H 93 (Ch. 10) ..... 59, 64, 68, 71, 74.
Automobile Tax Increased
H 64 (Ch. 9) ..... 58, 64, 68, 71, 74.
Firemen's Fund
S 160 (Ch. 464) ..... 115, 193, 201, 567.
Parking Fine
S 172 (Ch. 160) ..... 144, 182, 188, 263.
Parking Lease—Interstate 40
H 773 (Ch. 634) ..... 355, 636, 651, 687.
School Property Sale
H 798 (Ch. 358) ..... 378, 412, 442, 450.
Foster Care—see Child Welfare
Fox Hunting—see Natural and Economic Resources (Wildlife); Individual County
Franklin County—District 11—Senator James D. Speed
Louisburg Sell Property to College
S 497 (Ch. 342) ..... 414, 445.
Pay Acts Repealed
S 214 (Ch. 184) ..... 179, 207, 216, 293.
Fraud—see Criminal Law
Fuel—see Energy
Funeral—see Mortuary

—G—

Gambling—see Criminal Law (Gambling)
Game—see Natural and Economic Resources (Wildlife)
Gardner, Jonas Melvin—Honored
Former Member of General Assembly
H 340 (Res. 19) ..... 389, 428, 439, 449.
Gasoline and Oil Regulations—see Energy
Gaston County—District 25—Senator Ollie Harris
Senator Helen R. Marvin
Senator Marshall A. Rauch
Boat Noise Limits on Some Lakes
H 724 (Ch. 787) ..... 701, 777, 792, 841.
Boats Stop on Blue Light
H 670 (Ch. 356) ..... 382, 428, 441, 450.
Gaston Art and History Museum Funds
S 499 (H 1084) (Appr Com/see S 313-Ch. 923) ..... 414.
Gaston Memorial Hospital Lease/Charter
H 459 (Ch. 796) .....636, 818, 840.
Gastonia
Council Zoning Votes
H 439 (Ch. 176) ..... 227, 270, 277, 293.
Policemen's Pension Fund
H 1393 (Ch. 809) ..... 832, 837, 838, 841.
Life Preserver Requirements/All Vessels
H 375 (Ch. 200) ..... 255, 297, 306, 316.
Police Personnel Process
H 626 (Ch. 904) .....779, 882, 886.
Property Disposal
S 286 (Ch. 405)..... 226, 269, 276, 475.
Property Taxes/Banks Collect
S 254 (Ch. 284)..... 220, 302, 313, 384.
Schiele Museum Funds
S 195 (Appr Com/see S 313-Ch 923) ..... 165.
Tow Trucks Regulated
H 644 (Ch. 687) ..... 636, 708, 719, 752.
Gates County—District 2—Senator J. J. Harrington
General Assembly
Adjournment
Daily..... 25, 26, 28, 30, 32, 34, 35, 37, 39, 41, 44, 46, 49, 50, 52, 54, 57, 59, 62, 64, 66, 69, 72, 74, 75, 79, 82, 84, 86, 89, 94, 98, 101, 104, 106, 111, 114, 117, 137, 142, 147, 153, 157, 160, 163, 167, 172, 177, 181, 183, 191, 197, 202, 206, 210, 218, 223, 228, 233, 243, 251, 259, 263, 267, 272, 279, 285, 289, 295, 301, 309, 316, 321, 324, 332, 339, 346, 351, 356, 360, 367, 375, 380, 384, 386, 392, 398, 403, 409, 417, 425, 434, 446, 451, 456, 463, 469, 476, 480, 485, 493, 541, 548, 554, 559, 568, 579, 587, 596, 609, 620, 627, 634, 639, 645, 655, 664, 672, 680, 687, 698, 706, 714, 720, 752, 764, 775, 784, 793, 808, 826, 839, 851, 869, 885, 897, 909.
First Session
S 693 (Res. 55)..... 815, 833, 901, 903, 907, 908, 909.

General Assembly (continued)
Administrative Procedure Rule Definition
H 856 (Ch. 641) ..... 473, 640, 653, 698.
Administrative Rules Review Commission Established
H 810 (Ch. 927) ..... 335, 537, 547, 566, 759, 773, 776, 795, 821, 836, 884, 902, 903, 904, 907.
Administrative Rules Repeal/Legislative Approval Requirement
H 524 (Ch. 883) ..... 394, 759, 772, 776, 795, 804, 881.
Agency Review Committee/Licensing Procedures
H 110 (H Rules Com) ..... 591, 658, 677, 686, 695, 708, 719, 849.
Assembly of 1783 Honored
H 934 (Res. 18) ..... 406, 417.
Camp LeJeune/Site of Convening ..... 368, 381, 384, 938.
Children With Special Needs Commission—1
S 52 (unf rpt) ..... 50, 874.
Children With Special Needs Commission—2
S 59 (Ch. 863) ..... 53, 77, 846, 880.
Confirmation/Consent by Senate
Agriculture, State Board ..... 29, 42, 252, 325.
Banks, Commissioner ..... 178, 198.
Community Colleges, State Board ..... 559.
Education, State Board ..... 138, 234.
Personnel Commission ..... 470, 597.
Utilities Commission (Commissioner/Public Staff Director) ..... 352, 495.
Convening Date, 1985
H 907 (St Gov Com) ..... 335.
House of Representatives
Minority Leaders ..... 25.
Organized ..... 23.
Worship Service ..... 209, 228.
Legislative Income Tax Deductions
H 14 (Ch. 155) ..... 109, 244, 256, 263.
Legislative Bribery Definitions
H 1253 (Ch. 780) ..... 637, 795, 824, 841.
Legislative Communication Confidential
H 1240 (Ch. 900) ..... 832, 862, 872, 887.
Legislative Delegation to England
S 584 (H 1210) (Res. 35) ..... 564, 613, 624, 663.
Legislative Food Service Authorized
H 26 (Ch. 8) ..... 54, 65, 68, 72.
Legislative Research Commission
Commission Terms of Office
H 165 (Ch. 63) ..... 86, 144, 152, 157.
Studies—see **Studies**—LRC
Legislative Retirement System
S 623 (reref Appr Com/see S 23-Ch. 761) ..... 614, 648.
Legislative Session Length Limited
S 34 (Rules Com) ..... 43.
Legislative Session Limit Study
S 76 (adopted) ..... 61, 918.
Medical Cost Containment Commission
S 518 (Ch. 875) ..... 435, 488, 847, 881.

General Assembly (continued)
Part-time Personnel Vacation/Sick Leave
S 22 (H 80) (Ch. 757/see S 313-Ch. 923)..... 34, 799, 802, 807, 809.
Retirement Benefits/Members
S 313 (Ch. 923)..... 247, 899, 900, 907.
Senate
Adjournment
In Commemoration
Halifax Resolves ..... 272.
In Honor
Green, James C., Lieutenant Governor ..... 98.
NCSU Basketball Team..... 233, 243.
NCSU Basketball Coach (Jim Valvano) ..... 243.
Advisory Opinion (Convening Site)..... 368.
Chaplain Employment
S 24 (adopted)..... 34, 53, 57, 918.
Committees, Conference
SB 1 Safe Roads Act..... 226, 501.
SB 117 Banking Commission Membership..... 310, 404.
SB 141 Public Health Laws Rewrite..... 767, 808, 862.
SB 165 Child Pornography ..... 872, 895.
SB 209 Truck Weights ..... 702.
SB 621 Auctioneers Licensing Board ..... 781, 796.
SB 693 Adjournment Resolution ..... 901, 903.
HB 53 Advisory Budget Commission ..... 680, 755.
HB 56 Safe Driver Insurance Plan ..... 778, 785, 801.
HB 109 Wildlife Preserve/Bird Sanctuary..... 158, 198.
HB 124 Involuntary Commitment ..... 668, 673.
HB 154 Assaults on Judicial Officials ..... 139.
HB 198 Military Dependent Driver's License..... 456, 535.
HB 255 Private Protective Services Act ..... 681, 812.
HB 278 Tax Adjustment Act ..... 646, 724, 763, 772.
HB 331 Counsel for Indigents..... 333, 363.
HB 413 Equitable Distribution Amendments ..... 588, 674.
HB 426 Local Sales Tax..... 838, 863, 872, 889.
HB 489 Bingo..... 854, 874.
HB 503 Equitable Distribution/Property ..... 483, 489, 665.
HB 559 Hazardous Waste ..... 868, 908.
HB 683 Passing Stopped School Bus..... 610, 754, 821.
HB 767 Doctor Shopping/Controlled Substance ..... 716, 754, 813.
HB 775 Sheriff's Personal Liability..... 890, 897.
HB 800 Funeral and Burial Trust Funds..... 656, 688.
HB 810 Administrative Rules Review Commission..... 884, 903.
HB 905 Eliminate Judicial Council..... 769, 806.
HB 933 Change/Alter Marriage License..... 861, 887, 900.
HB 1191 Bed and Breakfast ..... 817, 833.
HB 1221 Limited Partnership Debt..... 707, 756.
HB 1260 Rape Indictment Statute..... 724, 756.
Committees, Select
Chaired by Senator Warren, all attorneys, minority party, and women members of the Senate were appointed to a Select Committee to which were referred the following bills:
SB 165 Child Pornography ..... 215.

General Assembly (continued)
Senate (continued)
Committees, Select (continued)
SB 445 Incorporating Municipalities Study ..... 438.
HB 683 Stopped School Bus Amendment..... 431.
HB 723 Returned Check/Charge Fees ..... 480.
HB 869 Stopped School Bus Amendment—2..... 434.
HB 1003 Public School Real Property..... 712.
Special Ways and Means ..... 656.
Committees, Standing ..... 10, 13.
Agriculture ..... 10, 14, 47.
Appropriations ..... 10, 14, 47, 808.
Appropriations/Education ..... 10, 14.
Appropriations/General Government..... 10, 14.
Appropriations/Human Resources ..... 10, 14.
Appropriations/Justice and Public Safety..... 10, 14, 47.
Appropriations/Natural and Economic Resources ..... 10, 14, 47.
Banking ..... 10, 15.
Base Budget ..... 10, 14, 47.
Education ..... 10, 16, 47.
Ethics..... 127, 138.
Finance ..... 10, 16.
Higher Education ..... 10, 16, 47.
Human Resources ..... 10, 17, 47.
Insurance..... 10, 17.
Judiciary I..... 10, 17, 47.
Judiciary II..... 10, 17, 47.
Judiciary II/Constitutional Amendments ..... 10, 18.
Judiciary III..... 10, 17, 47.
Judiciary III/Law Enforcement and Criminal Justice..... 10, 18, 47.
Local Government and Regional Affairs..... 10, 18, 47.
Manufacturing, Labor and Commerce..... 10, 19, 47.
Natural and Economic Resources and Wildlife..... 10, 19.
Pensions and Retirement..... 10, 19, 28.
Public Utilities and Energy..... 10, 20, 47.
Rules and Operation of the Senate ..... 10, 20, 47.
State Government..... 10, 20, 47.
State Government/Election Laws ..... 10, 21, 47.
State Government/Housing..... 10, 21.
State Government/Senior Citizens..... 10, 21.
State Government/Veterans and Military Affairs..... 10, 21.
Ways and Means ..... 10, 22, 47.
Ways and Means/Economy ..... 10, 22.
Ways and Means/Small Business ..... 10, 22, 47.
Ways and Means/Transportation ..... 10, 23, 47, 184.
Courtesies
Dignitaries
Bobbitt, William H. (Former Chief Justice, Supreme Court) .. 7, 30.
Branch, Honorable Joseph (Chief Justice, NC Supreme Court) 7, 30.
Clarke, Honorable James M. (U.S. Congressman—11th)..... 167.
Copeland, Honorable J. William..... 7.
Hefner, Honorable W. G. (U.S. Congressman—8th)..... 25.

General Assembly (continued)
Senate (continued)
Courtesies (continued)
Dignitaries (continued)
Hill, Honorable Cecil J. (Judge, Court of Appeals) ..... 7.
Horn, Carl (Chairman of Board of Community College System) ..... 410.
Morgan, Robert (Former United States Senator) ..... 418, 646.
Scott, Robert (President of Community College System) ..... 410.
Sharp, Susie M. (Former Chief Justice, Supreme Court) ..... 7, 30.
Whichard, Honorable Willis P. (Judge, Court of Appeals) .... 7, 264.
Huskins, J. Frank (Former Associate Justice, Supreme Court) ..... 264.
Rasio, Honorable Ninna (First Secretary and Minister of Foreign Affairs, Sweden) ..... 302.
Winberry, Honorable Charles B., Jr. (Judge, Superior Court—7th) ..... 463.
Other
Arthur, Billy (Former Reading Clerk) ..... 410.
Graham, Deneen Z. (Miss North Carolina—'83) ..... 784.
Mrs. Alice Green ..... 7, 588.
Green, Miss Sally ..... 588.
Ives, Elizabeth Stevenson ..... 74, 935.
Landry, Al ..... 340.
McGee, Beverly ..... 361.
Mondale, Mrs. Joan ..... 418.
Pioneer Girl Scout Council ..... 142, 936.
Ramsey, Mrs. Susan Green ..... 588.
Royall, Jr., Mrs. Kenneth C. ..... 7.
Representatives, Former
Gilmore, Thomas O. (Guilford) ..... 656.
Merritt, Eugene W. (New Hanover) ..... 347.
Whitley, Phillip R. (Wake) ..... 569.
Williamson, Odell (Brunswick) ..... 569.
Senators, Former
Bahakel, Cy (Mecklenburg) ..... 646.
Wood, George (Camden) ..... 610.
Baker, Harold A. (Wilkes) ..... 398.
Baugh, Philip J. (Mecklenburg) ..... 477.
Combs, Bobby Lee (Catawba) ..... 285.
Garrison, James B. (Stanly) ..... 167, 463.
Lake, I. Beverly (Wake) ..... 706, 794.
Lightner, Clarence (Wake) ..... 673.
Odom, Mary Horne (Scotland) ..... 138.
Palmer, Joe (Haywood) ..... 264.
Raynor, Joe B. (Cumberland) ..... 264, 279.
Sebo, Katherine (Guilford) ..... 435.
Sharpe, Roger (Burke) ..... 279.
Shuford, John F. (Buncombe) ..... 163.
Smith, Paul S. (Rowan) ..... 325.
Totherow, Carl J. (Forsyth) ..... 325.
Districts ..... 916.

General Assembly (continued)
Senate (continued)
Journal Approved ..... 25, 27, 28, 31, 33, 34, 36, 37, 40, 42, 45, 46, 49, 51, 52, 55, 58, 60, 62, 64, 66, 69, 72, 74, 76, 80, 83, 84, 87, 90, 94, 99, 102, 105, 107, 111, 115, 118, 138, 142, 148, 154, 157, 161, 163, 167, 172, 177, 181, 184, 191, 197, 203, 206, 211, 219, 223, 229, 234, 244, 251, 259, 264, 268, 272, 279, 285, 289, 296, 302, 309, 317, 322, 325, 332, 339, 346, 351, 357, 360, 368, 376, 380, 385, 387, 392, 398, 404, 410, 417, 425, 435, 446, 452, 456, 463, 469, 477, 481, 486, 494, 541, 549, 555, 559, 568, 579, 588, 597, 610, 620, 628, 635, 639, 646, 656, 665, 673, 680, 688, 698, 706, 714, 721, 753, 765, 775, 784, 794, 809, 827, 839, 852, 869, 886, 898.
Organized ..... 11.
Pages ..... 25, 28, 38, 50, 60, 72, 85, 102, 118. 157, 177, 203, 230, 264, 296, 322, 351, 381, 404, 446, 477, 549, 588, 635, 673, 715, 775, 898.
Prayer
Ausley, Dr. Paul ..... 392, 398.
Bain, Reverend Neil H. ..... 52, 680.
Biefield, Rabbi Martin ..... 609.
Brand, Reverend Richard ..... 597.
Brown, Reverend James ..... 148.
Byers, Reverend Edgar ..... 203.
Carson, Reverend Eric ..... 476.
Coffey, Reverend Jack ..... 39.
Collins, Reverend Terrence ..... 765.
Corts, Dr. Paul ..... 794.
Corts, Dr. Thomas E. ..... 339.
Davis, Reverend Steve ..... 655.
Gerhard, Reverend Stephen ..... 41.
Godwin, Reverend Claude (Senate Chaplain) ..... 25, 26, 28, 31, 32, 34, 35, 49, 51, 54, 57, 62, 64, 69, 76, 80, 83, 84, 94, 99, 115, 118, 137, 142, 153, 167, 172, 184, 191, 197, 218, 228, 234, 263, 272, 285, 289, 295, 309, 317, 346, 351, 357, 360, 367, 376, 380, 384, 387, 403, 409, 417, 425, 434, 446, 463, 469, 541, 620, 627, 634, 639, 646, 664, 673, 687, 698, 706, 714, 721, 775, 808, 839, 869, 885, 897.
Gossman, Most Reverend F. Jospeh ..... 332.
Gray, Senator Rachel ..... 251.
Griffis-Woodberry, Reverend Deborah ..... 826.
Gunn, Reverend G. Wilson ..... 111.
Hamm, Reverend Rodney ..... 753.
Harper, Dr. Lawerence O. ..... 259.
Harris, Senator Ollie ..... 46, 157.
Hipps, Senator Charles W. ..... 559.

General Assembly (continued)
Senate (continued)
Prayer (continued)
Holt, Reverend L. D. ..... 456, 486.
Huffman, Reverend David ..... 206.
Johnson, Dr. S. R. ..... 44.
Joyner-Milton, Reverend Sayde ..... 452.
Keenan, Father James ..... 549.
Kepley, Reverend Robert S. ..... 493.
Ladehoff, Reverend Robert ..... 480.
Lawing, Senator W. Craig ..... 223.
Lee, Reverend Robert E. ..... 74.
Lewis, Dr. John C. ..... 163.
Link, Reverend William E. ..... 5.
Lock, Reverend Hoyt M. ..... 211.
Martin, Reverend W. Royster ..... 784.
McGeachy, Reverend Alexander ..... 72.
McLeod, Dr. John D. ..... 101.
Miller, Reverend Glenn ..... 301.
Mitchell, Dr. Norman ..... 86.
Nix, Reverend Roger ..... 579.
Olney, Reverend W. W. ..... 554.
Pickard, Reverend H. Edwin ..... 37.
Proctor, Jr., Reverend E. Allen ..... 89.
Puckett, Reverend William H. ..... 160.
Rauch, Senator Marshall A. ..... 279.
Reeve, Reverend Keith ..... 107.
Rogers-Witte, Reverend Mrs. Ann Calvin ..... 104.
Safley, Reverend Michael ..... 59.
Schmitt, Reverend Jacqueline ..... 243.
Schoen, Rabbi Abe ..... 587.
Southern, Reverend Tom. ..... 181.
Tucker, Reverend Clyde ..... 177.
Walker, Reverend Odell. ..... 325.
Ward, Senator Marvin ..... 66, 852.
Williams, Reverend Roger ..... 268.
Wiseman, Reverend J. David ..... 568.
Yawn, Reverend Billy ..... 321.
President—see **State Officers** (Lieutenant Governor)
Appointments—see **Appointments;** Committees (under this heading)
President Pro Tempore—see **Lawing, W. Craig**—Senator
Appointments—see **Appointments**
Resolutions—see **Resolutions, Senate**
Reports
Future of North Carolina Commission Report
S 262 (Rules Com) ..... 221.
H 660 (Res. 24) ..... 342, 488, 545, 554.
Rules
Permanent, 1983
S 4 (adopted/see S 241) ..... 31, 108, 113, 119, 919.
Regulatory Provisions Addressed Bills
S 163 (Rules Com) ..... 116.
Temporary Rules Adopted ..... 9.

General Assembly (continued)
Senate (continued)
Rulings
SB 23 Amendment Out of Order/Principle Provision ppi ..... 803.
SB 107 Roll-Call Required ..... 466.
SB 144 Each Amendment for Concurrence ..... 175.
SB 275 Adoption of Committee Amendment
Constitutes Substitute Bill ..... 392.
Amendment No. 2 Adopted ..... 939.
Call for Question Out of Order ..... 395.
Introduction of SB 482 Negates Appropriations Review ..... 395.
SB 313 Ruling Deferred as to
Provisions of Tabled Bill Included ..... 900.
SB 436 Roll-Call Required ..... 831.
HB 489 Roll Call Required ..... 819.
HB 524 Two-thirds Vote Prevails ..... 776.
HB 630 Roll Call Required ..... 307.
Separation of Powers
H 53 (Ch. 717) ..... 329, 589, 615, 642, 680, 755, 768, 783.
Session Limited/Reorganization
S 406 (H Rules Com) ..... 312, 389, 402, 415, 455.
Staff ..... 940.
General Statutes Commission
Technical Changes
H 1331 (Ch. 768) ..... 750, 768, 782, 828.
Geologists, N.C. Board for Licensing—see Contractors
Gift Deduction—see Taxation
"Good Roads" Program—see Transportation (Roads & Highways)
Governmental Evaluation Commission (Sunset)—see General Assembly (Agency Review)
Governor—see State Officers
Governor's Management Council—see State Officers (Governor)
Graham County—District 29—Senator Charles Hipps
Senator R. P. Thomas
Forest Property Exchange
H 637 (Ch. 354) ..... 348, 412, 441, 450.
Grandparents—see Child Welfare
Granville County—District 13—Senator William G. Hancock, Jr.
Senator Kenneth C. Royall, Jr.
Butner Fire/Police District Established
H 1443 (Ch. 830) ..... 801, 808, 828, 843, 853, 860.
Sheriff Deputy Program
H 530 (Ch. 344) ..... 378, 411, 440, 449.
Gray, Rachel G.—Senator **Guilford** (part)—**32nd District**
Absent With Leave ..... 381, 385, 425, 435.
Adjournment Motion ..... 163, 493.
Certificate of Election ..... 7.
Committees: Assignments ..... 15, 16, 17, 20, 21, 218.
Standing—
State Government/Senior Citizen Affairs (Chairman)
State Government (Vice-Chairman)
Banking—Finance—Human Resources—Rules and Operation of the Senate

Gray, Rachel G.—Senator (continued)
Committees (continued)
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003
Oath of Office ..... 7.
Prayer ..... 251.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 13, 14, 15, 16, 17, 18, 19, 20, 21, 136, 331, 480, 504, 552, 589, 595, 613, 614, 666, 689.
Co-Sponsor ..... 36, 39, 57, 63, 64, 84, 89, 90, 108, 111, 116, 117, 121, 127, 129, 130, 157, 171, 188, 193, 215, 237, 242, 248, 259, 262, 279, 282, 283, 323, 329, 349, 374, 387, 392, 393, 404, 412, 413, 415, 424, 429, 430, 457, 479, 488, 513, 514, 515, 517, 537, 539, 549, 550, 561, 564, 570, 588, 592, 596, 597, 608, 609, 623, 631, 632, 650, 653, 675.
Green, James C.—Lieutenant Governor—see **State Officers** (Lieutenant Governor)
Greene County—District 8—Senator Henson P. Barnes
Guardian—see Child Welfare; Judicial Department
Guilford County—District 19—Senator Elton Edwards
District 31—Senator William N. Martin
District 32—Senator Rachel G. Gray
Greensboro
Firemen's Retirement
S 248 (Ch. 466) ..... 214, 340, 349, 567.
Moderate Income Housing
H 1371 (Ch. 769) ..... 718, 788, 805, 828.
School Code Amendments
S 242 (Ch. 429) ..... 213, 241, 249, 548.
Greensboro/High Point
Airport Authority
S 349 (Ch. 444) ..... 274, 297, 305, 314, 553.
Airport Parking
S 282 (Ch. 431) ..... 226, 269, 275, 548.
High Point Career Service
H 532 (Ch. 180) ..... 228, 270, 278, 293.
Morehead Estate Dependencies Funds
S 193 (Appr Com/see S 313-Ch 923) ..... 164.
Sheriff Deputy Program
H 530 (Ch. 344) ..... 378, 411, 440, 449.
Guns—see Criminal Law (Weapons); Wildlife
Guy, A. D.—Senator **Onslow—4th District**
Absent With Leave ..... 172, 198, 456, 463, 469.
Adjournment Motion ..... 52, 218, 380.
Certificate of Election ..... 5.
Committees: Assignments ..... 14, 15, 16, 19, 20, 21.
Standing—
State Government/Veterans and Military Affairs (Vice-Chairman)
Agriculture—Appropriations—Appropriations/General Government—Banking—Base Budget—Finance—Manufacturing, Labor and Commerce— State Government
Escorts Governor ..... 39.

Guy, A. D.—Senator (continued)
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 122, 305.
Co-Sponsor ..... 36, 39, 57, 71, 76, 96, 127, 128, 129, 130, 131, 136, 154, 161, 177, 179, 206, 215, 220, 255, 284, 295, 350, 356, 357, 374, 393, 398, 413, 414, 415, 424, 429, 430, 457, 471, 479, 484, 513, 514, 515, 537, 538, 539, 564, 570, 589, 593, 596, 623, 631, 643, 650, 653, 693.
Endorsement Withdrawn ..... 111.

—H—

Halifax County—District 2—Senator J. J. Harrington
District 6—Senator Julian R. Allsbrook
Resolves Date Reflected on State Seal
S 151 (Ch. 257) ..... 103, 212, 221, 356.
Sheriff Deputy Program
H 530 (Ch. 344) ..... 378, 411, 440, 449.
Weldon School Boundaries
S 390 (recom Loc Gov Com) ..... 291, 328, 337.
Hancock, Jr., William G.—Senator **Durham,** Granville, Orange (part) and Person—**13th District**
Absent With Leave ..... 260, 302, 309, 317, 435, 628, 898.
Adjournment Motion ..... 111, 351, 463.
Certification of Election ..... 6.
Committees: Assignments ..... 14, 16, 18, 20, 22, 47, 218.
Standing—
State Government (Co-Chairman)
Judiciary II (Vice-Chairman)
Appropriations—Appropriations/Human Resources—Base Budget—Higher Education—Human Resources—Judiciary II/Constitutional Amendments—Ways and Means
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003
Conference—
SB 141 ..... 767, 863.
SB 621 ..... 781, 797.
HB 489 ..... 855, 875.
HB 767 ..... 716, 813.
Nomination—Majority Leader (Seconds) ..... 9, 922.
Oath of Office ..... 7.
Recorded Present ..... 435.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 45, 76, 111, 264, 265, 266, 267, 268, 269, 270, 271, 278, 288, 387, 388, 406, 433, 434, 435, 436, 454, 467, 489, 490, 560, 612, 620, 621, 656, 657.
Co-Sponsor 36, 39, 63, 64, 71, 74, 84, 89, 90, 96, 108, 116, 117, 121, 127, 129, 130, 131, 136, 144, 145, 188, 206, 215, 220, 221, 237, 253, 259, 262, 279, 313, 327, 329, 331, 361,

Hancock, Jr., William G.—Senator (continued)
Bills and Resolutions (continued)
Co-Sponsor (continued)
374, 386, 393, 404, 407, 429, 430, 479, 513, 514, 515, 532, 534, 537, 549, 570, 571, 589, 591, 592, 596, 597, 605, 609, 631, 637, 645, 647, 650, 651, 653, 675, 689.
Handguns—see Criminal Law (Weapon)
Handicapped—see also Mental Health; Medicine
Attorney Appointed by Attorney General
H 797 (Ch. 850) ..... 858, 871.
Blind
Randolph-Sheppard Vendors Status
S 247 (Ch. 867) ..... 214, 537, 845, 880.
Children's Education/Parent Training Center
S 632 (Appr Com/see S 313-Ch 923) ..... 636.
Children With Special Needs Defined
S 571 (reref Appr Com) ..... 543, 562.
Disabled Adult Abuse Misdemeanor
H 1356 (Ch. 901) ..... 791, 873, 887.
Disability Retirement Service
S 448 (reref Appr Com) ..... 353, 458.
Disability Review Commission Created
S 570 (H 1224) (Ch. 880) ..... 543, 561, 848, 881.
Equipment Tax Credit Study—LRC
S 435 (Passed 2nd rdg-reref Appr Com) ..... 342, 708, 718.
Hearing Impaired
Deaf/Blind Schools to State Board of Education
H 1142 (Ch. 905) ..... 583, 649, 873, 887.
Education Program Specialist/Media Tech. Funds
H 1137 (Ch. 856) ..... 858, 871.
Equipment Funds—Eastern School for Deaf
S 678 (Appr Com/see S 313-Ch. 923) ..... 790.
Parking Fine Increased
H 477 (Ch. 326) ..... 319, 399, 408, 416, 424.
Travel Guide for Disabled
S 568 (H 1225) (Appr Com/see S 23-Ch. 761) ..... 543.
Vocational Education Fund Match Federal
S 695 (Appr Com) ..... 842.
Hardison, Harold W.—Senator Duplin, Jones, **Lenoir** and Pender (part)—**5th District**
Absent With Leave ..... 58, 83, 260.
Adjournment Motion ..... 147, 153, 157, 752.
Appointments
Advisory Budget Commission ..... 23.
Delegate (Bundy Funeral) ..... 36.
Certificate of Election ..... 5.
Committees: Assignments ..... 14, 15, 16, 17, 19, 20, 21, 22, 138.
Standing—
Appropriations (Chairman)
Banking—Base Budget—Ethics—Finance—Human Resources—Pensions and Retirement—Public Utilities and Energy—Rules and Operation of the Senate—State Government—State Government/Housing—Ways and Means—Ways and Means/Economy

Hardison, Harold W.—Senator (continued)
Committees (continued)
Conference—
SB 117 ..... 310, 405.
SB 141 ..... 767, 863.
HB 278 ..... 646, 725.
HB 559 ..... 869.
HB 810 ..... 885, 904.
Escorts Majority Leader ..... 9.
Journal Approval Motion ..... 154.
Nomination of Principal Clerk ..... 9.
Oath of Office ..... 7.
Votes Excused: HB 336 ..... 216.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 22, 23, 86, 87, 88, 116, 128, 186, 187, 222, 277, 298, 428, 451, 452, 458, 459, 539, 568, 583, 649.
Co-Sponsor ..... 1, 36, 63, 64, 71, 84, 105, 106, 117, 127, 129, 131, 136, 143, 144, 177, 207, 212, 215, 220, 221, 262, 295, 331, 350, 356, 357, 373, 374, 393, 401, 404, 406, 412, 413, 415, 424, 429, 430, 471, 488, 513, 537, 538, 564, 570, 589, 593, 595, 596, 602, 604, 609, 615, 623, 631, 637, 643, 644, 651, 653, 689, 692, 694.
Harnett County—District 14—Senator Joseph E. Johnson
Senator William W. Staton
Senator Wilma Woodard
Center-fire Rifles Limited
H 1342 (Ch. 791) ..... 717, 821, 829, 841.
Lillington Automobile Tax
H 176 (Fin Com) ..... 162.
Harrington, Joseph J.—Senator **Bertie,** Chowan, Edgecombe (part), Gates, Halifax (part), Hertford, Martin (part), Northampton, and Washington (part)—**2nd District**
Absent With Leave ..... 36, 38, 46, 58, 66, 69, 83, 99, 115, 148, 154, 172, 184, 191, 198, 234, 251, 268, 279, 285, 289.
Adjournment Motion ..... 50, 210, 375, 672, 687.
Certificate of Election ..... 5.
Committees: Assignments ..... 16, 17, 19, 20, 22.
Standing—
Ways and Means (Co-Chairman)
Finance (Vice-Chairman)
Insurance—Pensions and Retirement—Public Utilities and Energy—Rules and Operation of the Senate
Conference—
SB 1 ..... 227, 501.
SB 209 ..... 702.
HB 198 ..... 457, 536.
HB 278 ..... 646, 725.
Nomination of Majority Leader (Second) ..... 9, 922.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 40, 208, 209, 210, 310, 353, 491, 559, 580.

Harrington, Joseph J.—Senator (continued)
Bills and Resolutions (continued)
Co-Sponsor ..... 107, 108, 111, 127, 130, 131, 136, 154, 177, 206, 215, 259, 283, 295, 374, 393, 413, 414, 429, 430, 479, 484, 513, 514, 515, 537, 538, 539, 563, 564, 589, 596, 609, 623, 643, 650, 653, 689.
Harris, Kenneth R.—Senator Cabarrus and **Mecklenburg—22nd District**
Absent With Leave..... 28, 33, 35, 36, 40, 46, 58, 72, 83, 99, 111, 115, 154, 172, 191, 198, 219, 223, 228, 260, 285, 289, 309, 317, 381, 435, 446, 469, 481, 541, 579, 597, 610, 620, 628, 665, 688, 706, 886, 898.
Adjournment Motion..... 75, 267, 417, 808.
Certificate of Election..... 6.
Committees: Assignments ..... 16, 17, 19, 20, 21, 47, 218.
Standing—
Education—Finance—Insurance—Local Government and Regional Affairs—Pensions and Retirement—State Government—State Government/Senior Citizens Affairs
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 175, 180, 395, 396, 397, 522, 591.
Co-Sponsor ..... 36, 39, 63, 64, 76, 85, 103, 105, 106, 109, 111, 114, 117, 128, 129, 133, 259, 283, 312, 323, 374, 393, 399, 406, 424, 429, 430, 438, 465, 467, 471, 537, 538, 552, 596, 605, 609, 653.
Harris, Ollie—Senator **Cleveland,** Gaston, Lincoln, Rutherford—**25th District**
Absent With Leave.....25, 27, 36, 42, 52, 58, 60, 83, 90, 111, 148, 154, 322, 325, 368, 376, 469, 541, 775, 784.
Adjournment Motion..... 26.
Certificate of Election..... 6.
Committees: Assignments ..... 14, 15, 17, 20, 22.
Standing—
Human Resources (Chairman)
Appropriations/Human Resources (Vice-Chairman)
Judiciary I (Vice-Chairman)
Appropriations—Banking—Base Budget—Rules and Operation of the Senate—Ways and Means
Conference—
SB 141 ..... 767, 863.
SB 165 ..... 872, 895.
HB 53..... 681, 755.
HB 124..... 668, 674.
HB 278..... 646, 725.
HB 559..... 869.
HB 810..... 904.
HB 1191..... 818, 833.
Escorts: Governor..... 39.
Majority Leader..... 9.
Oath of Office ..... 7.
Prayer ..... 46.

Harris, Ollie—Senator (continued)
Votes Excused: HB 800 ..... 617.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 5, 6, 7, 8, 9, 10, 11, 12, 31, 32, 33, 52, 59, 63, 103, 141, 212, 231, 258, 273, 370, 416, 503, 558, 638.
Co-Sponsor ..... 1, 36, 38, 39, 64, 76, 83, 84, 96, 111, 114, 116, 117, 127, 128, 129, 130, 144, 178, 179, 195, 206, 207, 215, 240, 286, 295, 335, 350, 374, 393, 412, 413, 424, 429, 451, 458, 471, 486, 499, 514, 537, 538, 551, 552, 562, 564, 570, 589, 590, 592, 593, 596, 609, 623, 627, 631, 639, 643, 653, 689, 694.
Haywood County—District 29—Senator Charles Hipps
Senator R. P. Thomas
Canton Extraterritorial Powers
H 1048 (Ch. 301) ..... 394, 398.
Hazardous Waste—see Public Health
Health—see Medicine; Public Health
Health Maintenance Organizations—see Insurance; Medicine; Public Health
Hearing Impaired—see Handicapped
Henderson County—District 29—Senator Charles Hipps
Senator R. P. Thomas
Courthouse/Jail/Law Enforcement Center Funds
S 159 (Fin Com) ..... 115.
Jail Under General Law
H 1401 (Ch. 771) ..... 718, 768, 782, 828.
Hendersonville Zoning Board Votes
S 192 (Ch. 161) ..... 164, 182, 189, 263.
Hospital Sales Tax Refund—4
S 191 (reref Ways & Means Com) ..... 158, 164.
Intangible Tax Use
S 168 (Ch. 336) ..... 141, 182, 188, 207, 215, 423, 430, 445.
Hertford County—District 2—Senator J. J. Harrington
Industrial Property Sales
H 707 (Ch. 243) ..... 288, 329, 339, 346.
Murfreesboro Charter Amendments
S 353 (Ch. 445) ..... 281, 327, 336, 343, 553.
Higher Education
Basketball Teams Honored—UNC/NCSU
H 809 (Res. 13) ..... 282, 294.
Car Towing Due Process
H 1061 (Ch. 420) ..... 437, 464, 475, 541.
Colleges Receive State Publications
H 34 (Ch. 842) ..... 856, 870.
Community Colleges
Administrative Actions/DeNovo Review
H 552 (Ch. 919/see S 23-Ch. 761) ..... 884, 888, 890, 892, 899.
Computer Maintenance/Office Product Tech. Programs (Western Reg)
S 232 (Appr Com) ..... 199.
Condemnation Power
H 956 (Ch. 378) ..... 407, 427, 444, 451.

Higher Education (continued)
Community Colleges (continued)
Cooperative Program With High School
H 1044 (Ch. 596) ..... 538, 640, 654, 664.
Criminal Justice Commission Membership
S 642 (Ch. 807) ..... 675, 691, 702, 712, 840.
Financing Procedures Study—1
H 1308 (reref Appr Com) ..... 676, 692.
Financing Procedures Study—2.
S 646 (reref Appr Com) ..... 693, 699.
Nursing Education Standards
H 31 (Ch. 73) ..... 150, 161, 166, 171.
Pitt-Nursing/Health Program Building Funds
S 668 (H 1462) (Appr Com) ..... 770.
Private Funds Use/Tax-Levying Authority Approval
H 818 (unf rpt) ..... 407, 682.
State Board Election Date
H 1157 (Res. 23) ..... 472, 480.
State Board Nominations
H 468 (Ch. 311) ..... 193, 327, 344, 350, 356, 409.
State Board Technical Changes
S 421 (Ch. 479) ..... 329, 410, 424, 579.
Council on Aging Membership
S 19 (St Gov/Sr Citz Com) ..... 33.
H 43 (Ch. 40) ..... 67, 91, 97, 106.
Historic District Exemption
S 610 (Higher Ed Com) ..... 590.
Mandatory Retirement Eliminated
S 14 (H 48) (reref St Gov/Sr Citz Com) ..... 33, 647, 660, 790.
Professor/School Teacher Exchange Program
H 334 (Res. 27) ..... 282, 369, 396, 398, 416, 587.
Private College License Changes
H 988 (Res. 33/see H 1142-Ch. 905) ..... 407, 601, 618, 645.
Teacher Incentive Loan Program
S 522 (Appr Com) ..... 436.
Technical Institutes
Computer Technology/Data Processing Center—Johnston
S 673 (Appr Com) ..... 789.
Electronics Engineers/Data Process Program—Sampson
S 674 (Appr Com/see S 313-Ch. 923) ..... 790.
Tuition
Increased—Grants/Loans Provided
S 485 (reref Appr Com) ..... 394, 452.
In-State to MIA Dependents
S 295 (reref Appr Com) ..... 231, 303, 313.
Military/In-State Rates
S 346 (H reref Appr E Com) ..... 266, 357, 372, 379, 386.
Private College Grant Increased
S 412 (H 917) (Appr Com/see S 23-Ch. 761) ..... 318.
University of North Carolina
Assistance Requests Bypass Board
S 121 (Ch. 163) ..... 91, 182, 188, 267.

Higher Education (continued)
University of North Carolina (continued)
Board of Governors
Election
H 408 (unf rpt) ..... 266, 453.
Election Procedure—2
S 655 (Res. 39) ..... 693, 713, 721.
Nomination/Election ..... 721, 753.
Membership
S 395 (H 1060) (J II/Const Amd Com) ..... 304.
Selection Procedure
H 1135 (Res. 37) ..... 466, 471, 667, 679, 721, 754, 765.
Terms
S 36 (H unf rpt) ..... 43, 563, 574.
Bond Issuance/Separation of Powers
H 193 (Ch. 577) ..... 378, 602, 616, 642, 655.
Debt Collection Hearings/Procedures
H 969 (Ch. 419) ..... 492, 541, 912.
Escheats Distribution—1
S 80 (Higher Ed Com) ..... 63.
Escheats Distribution—2
H 1386 (Spec W&M Com) ..... 842.
Memorial Hospital/Critical Care Facility
S 187 (H 377) (Appr Com) ..... 154.
NCSU—Agriculture Program Funds
S 484 (H 1046) (Appr Com) ..... 394.
NCSU Fletcher Center Funds
S 249 (H 668) (Appr Com) ..... 214.
NCSU—Reidsville Research Station Funds
S 449 (Appr Com) ..... 353.
Self-Liquidating Building Projects
H 990 (Ch. 851) ..... 858, 871.
State Financing Study—LRC
S 654 (reref Appr Com) ..... 710, 760.
Highway Patrol—see Law Enforcement
Highways—see Transportation
Hipps, Charles W.—Senator Cherokee, Clay, Graham, **Haywood**, Henderson, Jackson, Macon, Polk, Swain, Transylvania—**29th District**
Absent With Leave ..... 115, 148, 154, 172, 272, 285, 339, 347, 435, 620, 628.
Adjournment Motion ..... 37, 39, 202, 620.
Certificate of Election ..... 6.
Committees: Assignments ..... 14, 17, 18, 19, 20, 21, 218.
Standing—
Local Government and Regional Affairs (Co-Chairman)
Agriculture (Vice-Chairman)
Appropriations—Appropriations/Natural and Economic Resources—Base Budget—Judiciary III—Natural and Economic Resources and Wildlife—Public Utilities and Energy—State Government—State Government/Election Laws.
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003

Hipps, Charles W.—Senator (continued)
Committees (continued)
Conference—
SB 1 ..... 227, 501.
HB 154 ..... 139.
HB 775 ..... 897.
Oath of Office ..... 7.
Prayer ..... 559.
Recorded Present ..... 435.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 93, 192, 204, 337, 338, 339, 469, 495, 496, 672.
Co-Sponsor ..... 1, 29, 30, 36, 68, 71, 76, 84, 108, 111, 123, 127, 129, 130, 131, 136, 144, 145, 153, 157, 159, 161, 168, 177, 178, 188, 206, 207, 215, 220, 221, 237, 249, 250, 259, 283, 295, 315, 316, 317, 318, 319, 320, 321, 323, 327, 328, 329, 333, 374, 393, 404, 409, 413, 414, 424, 429, 430, 438, 447, 513, 514, 537, 538, 539, 542, 548, 552, 570, 575, 586, 591, 596, 597, 607, 609, 643, 650, 651, 653, 659, 676.
Historical Properties—see also Appropriations, Local Government; Individual County
Higher Education Building Exemption
S 610 (Higher Ed Com) ..... 590.
Property Tax Exemption
H 1156 (Ch. 693) ..... 669, 708, 719, 752.
History, Museum of—see Appropriations (Museum)
Hoke County—District 30—Senator David R. Parnell
Ambulance Service
H 95 (Ch. 42) ..... 85, 106, 110, 114.
Hunting From Road
H 883 (Ch. 385) ..... 365, 419, 432, 463.
Mill Prong House Funds
S 351 (Appr Com/see S 313-Ch. 923) ..... 274.
Raeford Firemen's Pension Payments
H 72 (Ch. 496) ..... 543, 572, 583, 594.
Holidays
Martin Luther King Holiday Declared
H 3 (Ch. 1) ..... 27, 29.
Home/House—see Housing; Real Estate
Homeowners Insurance—see Insurance (Homeowners)
Homestead—see Appropriations; Taxation
Horticultural Tracts Valuation—see Taxation
Hospice—see Medicine (Hospitals)
Hospitals—see Medicine
Hotel and Restaurant
Bed and Breakfast Establishments
H 1191 (Ch. 884) ..... 641, 757, 782, 817, 831, 833, 839, 881.
Dogs Allowed in Hotel
S 580 (H 1212) (N&ER&Wildlife Com) ..... 556.
Public Health Law Revision
S 141 (H 318) (Ch. 891) ..... 100, 542, 580, 592, 606, 761, 767, 788, 808, 862, 868, 880.

House of Representatives—see General Assembly
Housing—see also Individual County
Condemnation Certificate
H 275 (Ch. 149) ..... 141, 146, 213, 243, 249, 259.
Contractor's Licenses
S 387 (H reref J 3 Com) ..... 291, 604, 624, 632.
Discrimination Outlawed
S 279 (H 431) (Ch. 522) ..... 225, 418, 448, 609.
Eviction/Small Claims Service
H 448 (Ch. 332) ..... 389, 411, 424, 431, 445.
Finance
Mortgage Lenders/HFA Loans
H 274 (Ch. 148) ..... 155, 213, 242, 249, 259.
Greensboro Moderate Income Housing
H 1371 (Ch. 769) ..... 718, 788, 805, 828.
Housing Commission Created, N.C.
H 265 (Ch. 778) ..... 701, 749, 817, 823, 840.
Mobile Home/Local Housing Code Apply
H 270 (Ch. 401) ..... 227, 459, 467, 476.
Sheriff 's Eviction Procedure
H 937 (Ch. 672) ..... 473, 658, 671, 678, 714.
Housing Finance Agency—see Housing
Human Relations Council—see Appointments
Human Resources, Department of
Board Repealed
H 1086 (Ch. 494) ..... 479, 562, 578, 587.
Payment Fixed for Services Rendered
S 638 (Ch. 806) ..... 659, 690, 702, 840.
Hunt, Jr., James B.—Governor—see State Officers (Governor)
Hunt, Wanda—Senator Chatham, **Moore**, Orange (part) Randolph—**16th District**
Absent With Leave ..... 49, 52, 55, 58, 425, 435.
Adjournment Motion ..... 62, 228, 398, 706.
Certificate of Election ..... 6.
Committees: Assignments ..... 16, 19, 20, 21, 218.
Standing—
Education (Vice-Chairman)
Finance—Higher Education—Natural and Economic Resources and Wildlife—State Government—State Government/Senior Citizens Affairs.
Select—
Senate Bills 165, 445; House Bills 684, 723, 869, 1003
Conference—
HB 426 ..... 838, 868.
HB 933 ..... 885, 888.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 365, 367, 377, 616, 653, 681, 682, 683, 686.
Co-Sponsor ..... 26, 27, 36, 38, 39, 57, 102, 108, 111, 117, 121, 127, 129, 130, 136, 144, 154, 177, 178, 206, 215, 259, 283, 295, 329, 374, 393, 413, 415, 424, 429, 430, 438, 477, 479, 484, 488, 510, 514, 515, 517, 536, 537, 549, 550, 564, 570, 613, 614, 623, 631, 643, 650, 693.

Hunt, Wanda—Senator (continued)
Bills and Resolutions (continued)
Endorsement Withdrawn..... 323.
Hunting—see Natural and Economic Resources (Wildlife); Individual County
Hyde County—District 1—Senator Melvin R. Daniels, Jr.

—I—

Immunization—see Public Health
Income Tax—see Taxation
Incompetents—see Mental Health
Indians
Tribal Economic Development Training Funds
S 652 (Appr Com/see S 313-Ch. 923)..... 700.
Indigent Defense—see Judicial Department
Industrial Commission
Rule-making Provision of APA Applicable
H 1245 (Rules Com) ..... 651.
Salaries of Commissioners
S 198 (reref Appr Com) ..... 169, 425.
Salaries of Deputy Commissioners
S 200 (reref Appr Com) ..... 169, 425.
Inheritance—see Taxation
In-Home Services—see Aged
Initiative and Referendum—see Constitution, N.C.
Inmate—see Prison
Installment Sales—see Interest
Institute of Medicine, North Carolina—see Medicine
Insulation—see Energy
Insurance
Agent License Scope
H 926 (Ch. 662) ..... 641, 690, 703, 714.
Bond Required/Designated Agent
H 1006 (Ch. 690) ..... 694, 709, 719, 752.
Computer Funds for Department
H 1219 (Ch. 861) ..... 859, 881.
Computer Investments by Companies
H 924 (Ch. 661) ..... 591, 690, 703, 713.
Company Formation Requirements—Capital/Surplus
S 443 (Ch. 472)..... 347, 410, 438, 568.
Conversion/Continuation Upon Divorce
S 479 (H 1015) (Ch. 668) ..... 385, 453, 461, 591, 690, 702, 713.
Dividend Criteria
H 490 (Ch. 374) ..... 292, 410, 440, 449.
Driver's License Suspension
H 970 (Ch. 610) ..... 478, 636, 652, 663, 672.
Employee Hospital and Medical Benefits
S 474 (Ch. 452)..... 381, 428, 438, 553.
Employee Liability Insurance Commission
H 1037 (Ch. 543) ..... 429, 601, 618, 627.
Futures Investment by Companies
H 1009 (Ch. 664) ..... 605, 690, 704, 714.

Insurance (continued)
Group Plan Conversion/Continuation
H 59 (Ch. 142) ..... 165, 230, 242, 251.
Hazardous Waste Regulations
H 554 (Ch. 546) ..... 233, 570, 584, 626.
Health Insurance Premium Filings
H 58 (Ch. 669) ..... 465, 481, 545, 713.
Health Maintenance Organization Regulated
S 50 (Ch. 386) ..... 48, 62, 78, 88, 414, 453, 460, 468.
Homeowners Rates Competitive
S 578 (Ins Com) ..... 550.
Insurance Law Technical Amendments
H 61 (Ch. 416) ..... 465, 481, 491, 541.
Lender's Information Misuse
H 1419 (Ch. 831) ..... 780, 785, 812, 837, 860.
Marital Therapist Coverage
S 639 (Hum Res Com) ..... 659.
Mental Health Coverage Encouraged
S 64 (Res. 5) ..... 54, 77, 82, 156.
Motor Club Agents Sell Insurance
S 658 (H Rules Com) ..... 710, 768, 781.
H 1403 (Ch. 802) ..... 798, 835, 837, 841.
Motor Vehicle
Identification Cards/Surcharges
S 581 (unf rpt) ..... 557, 690.
Liability Lapse/Renewal
H 123 (reref Appr Com/see S 23-Ch 761) ..... 150, 230, 561, 584.
Point Limitation/Interstate Speeding
S 535 (Ins Com) ..... 459.
Premium Surcharges/$200 Minimum Damage
H 632 (Ins Com) ..... 591.
Safe Driver Insurance Plan Surcharge
S 533 (H ppi) ..... 459, 481, 491.
H 56 (Ch. 763) ..... 690, 702, 711, 718, 751, 778, 785, 789, 801, 827.
Nonresident Agents Requirements
H 925 (Ch. 689) ..... 622, 690, 703, 752.
Proceeds Administered by Clerks of Court
S 344 (unf rpt) ..... 265, 758.
Product Liability Reporting Changed
H 57 (Ch. 141) ..... 100, 230, 242, 251.
Proof of Death Forms
S 475 (Ch. 749) ..... 481, 544, 797, 804, 809.
Property Casualty Agent License Education Requirements
S 467 (H Ins Com) ..... 370, 562, 583.
Rate Filing Requirements
S 519 (H Rules Com) ..... 436, 453, 461, 479, 485, 795, 819.
Rate Filing Requirements—Title
S 509 (Ins Com) ..... 422.
Readable Policy Amendments
H 757 (Ch. 393) ..... 401, 453, 462, 468.

Insurance (continued)
Readable Policies Study—LRC
H 1069 (Spec W&M Com/see H 1142-Ch. 905) ..... 798.
Reinsurance Facility Deviations
H 633 (Ins Com) ..... 565.
Riot Reinsurance Eligibility
H 1014 (Ch. 396) ..... 407, 453, 462, 469.
State Employee Health Plan
Changes—1
S 452 (H 986) (Appr Com) ..... 354.
Double Recovery Eliminated
S 158 (reref Ins Com) ..... 115, 612, 631.
Underinsured Motorist Coverage
H 60 (Ch. 777) ..... 557, 800, 823, 840.
Worker's Compensation
Accident Injury Definition Expanded
S 327 (Mfg. L&C Com) ..... 254.
H 368 (Ch. 833) ..... 400, 427, 849, 870.
Rate Deviations
H 166 (Ch. 162) ..... 170, 253, 262, 267.
Intangible Tax—see Taxation
Interest
Consumer Credit Sale Definition
H 545 (Ch. 686) ..... 255, 667, 686, 752.
Federal Laws/State Exemption
S 228 (unf rpt) ..... 187, 569.
Finance Company Loan Rates
S 78 (unf rpt) ..... 61, 569.
Highway Condemnation Interest Rate
H 148 (Ch. 812) ..... 73, 106, 845, 855.
Licensing Boards Receive Funds
S 91 (Ch. 515) ..... 69, 91, 399, 404, 423, 429, 594.
Limited Partnership Debt Obligations Exempt
S 577 (unf rpt) ..... 550, 810.
H 1221 (Ch. 719) ..... 641, 657, 678, 707, 756, 769, 783.
Literary Fund/Maximum Rate Raised
S 366 (Ch. 477) ..... 286, 310, 320, 579.
Loan Fees/Finance Charges
H 336 (Ch. 126) ..... 173, 211, 216, 222.
Merchant Revolving Interest Rate
S 451 (H Banks Com) ..... 354, 392, 408, 416, 424, 426, 542, 558.
Rates Extended After July 1, 1983
S 57 (Ch. 68) ..... 50, 95, 101, 160.
Residential Second Mortgage
H 978 (Ch. 541) ..... 423, 464, 475, 492, 558, 618, 627.
Interns—see Judicial Department (Judges)
Intestate—see Estates
Intoxication—see Alcohol Beverage Control; Criminal Law; Motor Vehicles
Inventory Income Tax—see Taxation
Involuntary Commitment—see Mental Health
Involuntary Servitude—see Criminal Law

Iredell County—District 26—Senator T. Cass Ballenger
Senator William W. Redman, Jr.
Boat Noise Limits on Some Lakes
H 724 (Ch. 787) ..... 701, 777, 792, 841.
Boats Stop on Blue Light
H 670 (Ch. 356) ..... 382, 428, 441, 450.
Deer Spotlighting Limited—see also HB 68
S 28 (N&ER&Wildlife Com) ..... 35.
Life Preserver Requirements/All Vessels
H 375 (Ch. 200) ..... 255, 297, 306, 316.
Lowrance Hospital Property Sale
H 495 (Ch. 228) ..... 233, 328, 337, 345.
Mooresville School District Enlarged
H 1369 (reref St Gov Com) ..... 717, 788.
Statesville Assessments
H 466 (Ch. 250) ..... 266, 328, 337, 344, 351.
Troutman
Town Administrator
H 454 (Ch. 123) ..... 200, 209, 218, 223.
Town Limits
H 311 (Ch. 104) ..... 119, 183, 190, 196, 202.

—J—

Jackson County—District 29—Senator Charles W. Hipps
Senator R. P. Thomas
Pawnbroker's Allowed
S 204 (Ch. 169) ..... 170, 182, 189, 266, 271, 279.
Jenkins, Jr., Cecil R.—Senator **Cabarrus,** Mecklenburg—**22nd District**
Absent With Leave ..... 272, 279, 285, 398, 869, 886.
Adjournment Motion ..... 35, 309, 645.
Certificate of Election ..... 6.
Committees: Assignments ..... 16, 17, 19, 20, 22, 184, 218, 656.
Standing—
Insurance (Chairman)
Pensions and Retirement (Vice-Chairman)
Finance—Human Resources—Judiciary I—Manufacturing, Labor and Commerce—Rules and Operation of the Senate— Ways and Means—Ways and Means/Economy—Ways and Means/Transportation
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003
Special Ways and Means
Conference—
HB 53 ..... 681, 755.
HB 56 ..... 778, 785.
HB 124 ..... 668, 674.
HB 413 ..... 588, 674.
HB 426 ..... 838, 868.
HB 489 ..... 855, 875.
HB 503 ..... 484, 665.
HB 559 ..... 869.
HB 683 ..... 611, 822.

Jenkins Jr., Cecil R.—Senator (continued)
Committees (continued)
Conference (continued)
HB 800 ..... 657, 689.
HB 905 ..... 769, 806.
HB 933 ..... 861, 885.
HB 1260 ..... 724, 756.
Delegate (Bundy Funeral) ..... 36.
Journal Approval Motion ..... 55, 698.
Nomination of President Pro Tempore (Seconds) ..... 9, 921.
Oath of Office ..... 7.
Presides ..... 669, 823.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 38, 57, 61, 62, 83, 120, 142, 156, 191, 216, 312, 455, 472, 483, 536, 538, 553, 569, 590, 622, 635, 688.
Co-Sponsor ..... 2, 29, 36, 39, 67, 68, 76, 79, 85, 102, 108, 111, 114, 117, 123, 127, 128, 129, 130, 131, 136, 144, 145, 154, 161, 162, 178, 179, 188, 206, 207, 215, 276, 295, 327, 329, 333, 374, 393, 412, 413, 424, 429, 430, 438, 484, 501, 513, 515, 532, 535, 537, 539, 552, 564, 570, 596, 597, 609, 623, 631, 643, 644, 650, 651, 653, 676, 689.

Job Training Partnership Act (JTPA)—see Labor

Johnson, Joseph E.—Senator Harnett, Lee, **Wake** (part)—**14th District**
Absent With Leave ..... 28, 35, 80, 83, 99, 167, 381, 385, 392, 839, 852.
Adjournment Motion ..... 147, 181, 548, 568.
Certificate of Election ..... 6.
Committees: Assignments ..... 14, 15, 17, 19, 20, 21, 47, 218.
Standing—
State Government/Housing (Chairman)
Insurance (Vice-Chairman)
Appropriations—Appropriations/General Government—Banking—Base Budget—Judiciary II—Manufacturing, Labor and Commerce—Public Utilities and Energy—State Government
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003
Conference—
HB 331 ..... 333, 364.
HB 767 ..... 755, 813.
Nomination of Reading Clerk ..... 9.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 97, 169, 170, 279, 289, 302, 304, 410, 411, 492, 599.
Co-Sponsor ..... 36, 68, 71, 76, 84, 89, 90, 96, 108, 109, 110, 111, 114, 117, 127, 129, 130, 136, 144, 154, 155, 157, 177, 179, 207, 215, 237, 255, 265, 266, 267, 268, 269, 270, 271, 327, 329, 331, 334, 344, 374, 393, 413, 415, 429, 430, 438, 456, 457, 479, 488, 513, 514, 515, 517, 537, 552, 570, 589, 591, 592, 597, 605, 647, 650, 653, 663, 690.

Johnston County—District 15—Senator Robert D. Warren
Four Oaks Satellite Annexation
S 364 (Ch. 447) ..... 282, 454, 461, 467, 553.

Johnston County (continued)
Kenly Development Funds
S 594 (Appr Com/see S 313-Ch. 923)..... 573.
Joint Resolutions—see Resolutions, Joint
Joint Session
Basketball Teams, Honoring NCSU/UNC..... 294.
Crime, Governor's Special Message..... 41.
Education, State Board Confirmation..... 235.
Personnel, State Board Confirmation..... 597.
Public Utilities Commissioner/Public Staff Confirmation..... 493.
State-of-the-State, Governor's Message..... 30.
UNC-Board of Governor's Nomination..... 722.
Jones County—District 5—Senator Harold W. Hardison
Jordon III, Robert Byrd—Senator Anson, **Montgomery**, Richmond, Scotland, Stanly, Union—**17th District.**
Absent With Leave..... 45, 76, 85, 181, 317, 322, 346, 387, 559, 569, 579, 646, 656.
Adjournment Motion..... 167, 172, 285, 289, 541.
Certificate of Election..... 6.
Committees: Assignments..... 14, 16, 17, 19, 20, 21, 22, 47.
Standing—
Base Budget (Co-Chairman)
State Government/Housing (Vice-Chairman)
Appropriations—Finance—Insurance—Manufacturing, Labor and Commerce—Rules and Operation of the Senate—State Government—State Government/Senior Citizens Affairs—Ways and Means—Ways and Means/Economy.
Conference—
SB 209..... 702.
HB 810..... 885, 904.
Nomination of Majority Leader..... 9, 922.
Oath of Office..... 7.
Recorded Present..... 418.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor..... 47, 48, 49, 50, 82, 95, 149, 194, 251, 463, 464, 476, 534, 585.
Co-Sponsor..... 22, 23, 39, 64, 69, 71, 76, 84, 108, 111, 127, 131, 136, 144, 150, 201, 215, 234, 243, 244, 253, 259, 262, 279, 329, 331, 341, 374, 385, 387, 393, 404, 412, 413, 424, 429, 430, 453, 456, 467, 471, 479, 513, 531, 532, 537, 539, 552, 570, 589, 591, 595, 596, 620, 631, 637, 644, 645, 650, 651, 653, 659, 689, 692.
Joyner, Cynthia Kay Phillips Estate—see Appropriations
Judges—see Judicial Department
Judgment—see Civil Procedure
Judicial Department
Appeal of Utility Commission Orders
H 493 (Ch. 526)..... 460, 570, 607, 619.
Attorney
Bar Applicant Fingerprints
H 442 (Ch. 177)..... 232, 269, 277, 293.

Judicial Department (continued)
Attorney (continued)
Debt Collector Abuse Fee Recovery
H 752 (Ch. 417) ..... 423, 482, 491, 541.
Environmental Protection/Submerged Land Claims
S 617 (H 1298) (Appr Com/see S 23-Ch 761) ..... 604.
Fees in Civil Actions
H 474 (J III Com) ..... 465.
Fees in Notes/Conditional Sales 15% Limit
H 1111 (J II Com) ..... 605.
Fees Received for Indigent Defendants
H 457 (Ch. 918/see S 23-Ch 761) ..... 884, 888, 893, 898.
Indigent Pay Counsel
S 120 (Ch. 135) ..... 85, 99, 104, 221, 228, 233.
State Bar Amendments
H 261 (Ch. 390) ..... 354, 453, 461, 468.
Attorney General/DA's Licensed Lawyers
H 458 (Ch. 298) ..... 312, 358, 366, 373, 375, 386, 387.
Attorney General in Handicapped Law
H 797 (Ch. 850) ..... 858, 871.
Clerks of Court
Crime Commission Membership (Superior)
S 650 (H Rules Com) ..... 693, 700, 713.
Deputy Added (Superior—Pasquotank)
S 611 (Appr Com) ..... 590.
Divorce Judgment Authorization
S 505 (J III) ..... 421.
Insurance Proceeds Administration/Minors
S 344 (unf rpt) ..... 265, 758.
Court of Appeals
Case Overload Study/Courts Commission
S 332 (Res. 52) ..... 260, 334, 343, 898.
Regional Hearings
S 129 (Appr Com) ..... 92.
Court Costs
Child Support Payment Fee
S 65 (Fin Com) ..... 54.
Costs and Fees Increased
H 494 (Fin Com) ..... 473.
Court Waiver—Hunt/Fish/Boat Offense
H 1214 (Ch. 586) ..... 574, 629, 638, 645, 655.
Courts
Facility Fees Raised
S 159 (Fin Com) ..... 115.
Courts Commission Reconstituted
H 905 (Ch. 774) ..... 447, 667, 686, 769, 806, 826, 827.
Discovery Filings Limited
H 475 (Ch. 201) ..... 261, 297, 306, 316.
District Attorney
Standards Commission Study
S 496 (reref Appr Com/see H 1142-Ch 905) ..... 406, 420, 430, 811.

Judicial Department (continued)
District Judge
Judge Added/12th
S 167 (Appr Com) ..... 119.
Judgeship Added—27A
H 33 (Ch. 881) ..... 856, 881.
Expansion of Services/Facilities
S 325 (Appr Com) ..... 254.
Guardian ad litem for Abuse/Neglect
S 341 (H 732) (reref Appr Com/see S 23-Ch 761) ..... 265, 570.
Indigent Appeal Counsel Limitations
S 407 (reref Appr Com) ..... 312, 327, 337, 570, 592, 606, 624.
Indigents Attorney/Guardian Cost Study—LRC
S 643 (reref Appr Com/see H 1142-Ch 905) ..... 675, 691.
Indigent Defense Program Regulation Authority
H 1285 (recom Spec W&M Com) ..... 717, 749, 764.
Judges
Appellate Judges Interns Assignment
H 1127 (Ch. 710) ..... 630, 748, 763, 774.
Assaults/Threats Felony Classification
H 154 (Conf Com) ..... 96, 105, 111, 114, 139.
Emergency Judges's Qualifications
S 333 (Ch. 784) ..... 260, 269, 612, 623, 832, 840.
Retirement Benefits to Spouse
S 564 (H 1183) (reref Appr Com/see S 23-Ch 761) ..... 538, 612.
State Bar Dues Exemption
S 181 (Ch. 589) ..... 149, 212, 228, 641, 652, 663.
Judicial Council Eliminated
H 905 (Ch. 774) ..... 447, 667, 686, 769, 806, 826, 827.
Judicial Districts Reorganization Study/Courts Commission
S 340 (H reref Appr E Com) ..... 265, 303, 314, 320.
Jury
Driver's License List Use Restricted
H 1384 (Ch. 754) ..... 780, 788, 805, 810.
Licensed Drivers for Jury Duty
H 512 (Ch. 197) ..... 242, 269, 278, 308.
Harassment Law Rewrite
H 944 (J III/Law Enf C&J Com) ..... 591.
Instruction Conference Requirement
H 1192 (Ch. 635) ..... 630, 658, 671, 678, 687.
Juvenile
Child Abuse Reporting Requirements Expanded
H 332 (Ch. 199) ..... 255, 297, 306, 316.
Juvenile Code/Commitment Time Plan
H 407 (Ch. 133) ..... 180, 219, 229, 233.
Juvenile Code/Technical Amendments
H 510 (Ch. 276) ..... 261, 362, 373, 380.
Counsel Paid by Parent
S 429 (Ch. 726) ..... 335, 369, 374, 383, 761, 771, 783.
Courts Jurisdiction over Parents
H 932 (Ch. 837) ..... 390, 555, 567, 850, 871.

Judicial Department (continued)
Juvenile (continued)
Custody—Secure/Nonsecure Orders
S 392 (Ch. 590) ..... 299, 457, 485, 491, 636, 651, 663.
Expunction of Records Limitations
S 100 (unf rpt) ..... 75, 140.
Holdover Facilities House
H 356 (Ch. 639) ..... 582, 683, 698.
Juvenile Law Study Commission Funds
H 1072 (Ch. 910) ..... 884, 888, 890, 892.
Records for Sentencing Report
S 184 (H-tabled) ..... 150, 411, 448.
Sex Offense Petitions Mandatory
S 101 (Ch. 251) ..... 75, 140, 151, 351.
Trial-as-Adult Jurisdiction
H 913 (Ch. 532) ..... 557, 571, 608, 620.
Voluntary Commitment Hearing Procedure
S 633 (Ch. 889) ..... 636, 748, 762, 881.
National Judicial College Welcomed
H 1023 (Res. 25) ..... 447, 488, 545, 554.
Magistrate
Administrative Magistrates Authorized
H 233 (recom J III/Law Enf&CJ Com) ..... 188, 241, 249, 255.
Courts Commission Membership
S 94 (Ch. 181) ..... 70, 90, 97, 282, 293.
Temporary Duty Outside County of Residence
S 161 (H Courts Com) ..... 116, 207, 215.
Parental Rights
Arrested Minor/Parents Informed
H 544 (Ch. 681) ..... 659, 682, 696, 720.
Technical Amendments
H 1066 (Ch. 512) ..... 454, 571, 586, 595.
Termination
S 31 (Ch. 89) ..... 43, 60, 63, 179, 183, 191.
Termination Requested by Guardian
S 433 (Ch. 870) ..... 342, 555, 565, 856, 880.
Termination Orders
H 759 (Ch. 581) ..... 460, 580, 608, 655.
Termination Review
H 758 (Ch. 607) ..... 460, 647, 662, 672.
Retirement Tax Shelter/Conforming Changes
S 294 (Ch. 469) ..... 231, 363, 372, 377, 396, 568.
Small Claims Court/Eviction Procedures
H 448 (Ch. 332) ..... 389, 411, 424, 431, 445.
Small Estate Size Increased
H 297 (Ch. 65) ..... 116, 140, 151, 157.
Superior Court
Brunswick Court Trial Sites
H 84 (Ch. 20) ..... 61, 76, 82.
De Novo Review/Community College Administration Actions
H 552 (Ch. 919/see S 23-Ch 761) ..... 884, 888, 890, 892, 899.
Worthless Check Restitution Required
H 567 (Ch. 741) ..... 660, 683, 696, 709, 719, 809.

Junk Dealer—see Taxation (Privilege License)
Jury—see Judicial Department
Juvenile—see Child Welfare; Judicial

—K—

Kidnapping—see Criminal Law (Felony)
Kincaid, Donald R.—Senator Avery, Burke, **Caldwell,** Mitchell, Wilkes—**27th District**
Absent With Leave....45, 46, 80, 83, 172, 251, 260, 317, 392, 398, 463, 469, 579, 706, 809.
Adjournment Motion....86, 279.
Certificate of Election....6.
Committees: Assignments....14, 17, 19, 47, 218.
Standing—
Appropriations—Appropriations/Natural and Economic Resources—Base Budget—Insurance—Judiciary I—Manufacturing, Labor and Commerce—Natural and Economic Resources and Wildlife
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003.
Oath of Office....7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor....34, 73, 115, 232, 256, 292, 303, 423, 475, 533, 573, 574.
Co-Sponsor....36, 63, 96, 107, 114, 123, 128, 129, 133, 144, 177, 206, 207, 219, 236, 257, 259, 308, 323, 374, 382, 384, 393, 399, 412, 413, 424, 426, 429, 430, 465, 471, 502, 514, 537, 538, 562, 591, 596, 597, 605, 631, 653.

—L—

Labor
Boiler Conversion Tax Credit
S 222 (Ch. 929)....187, 810, 831, 907.
Boiler Regulation Exemption Community Water System Tank
S 599 (Ch. 654)....581, 613, 624, 684, 695, 705.
Female Preference in Job Training
S 614 (Appr Com)....590.
Job Training Partnership Funds Use
S 613 (H Rules Com)....590, 767, 781.
OSHA
Fire Department Exemptions
S 88 (unf rpt)....67, 280.
H 82 (Ch. 164)....155, 253, 267, 271.
Wage/Hour Exemption of Religious Centers
S 544 (Ch. 708)....471, 571, 583, 593, 750, 762, 774.
Lakes, Recreational Purposes—see Natural and Economic Resources
Land Purchase
Alien Land Purchases Restricted
S 596 (H 1247) (Agric Com)....581.
Landfill (PCB)—see Public Health (Hazardous Waste)
Landlord and Tenant—see Housing

Landscape—see Contractors (Landscape)
Larceny—see Criminal law
Law Enforcement—see also Criminal Procedure; Civil Procedure
ABC Inspections/Local Agent
S 93 (J III/Law Enf&CJ Com) ..... 70.
Alcohol Law Enforcement Officer Fictitious Operator's License
S 298 (Ch. 629) ..... 232, 341, 355, 359, 488, 539, 557, 679.
Corrections In-Service Training
H 335 (recom J III/Law Enf&CJ Com) ..... 155, 241, 250, 257.
Criminal Justice Education and Training Standards Commission
Commission Membership/Appointment Authority
S 642 (Ch. 807) ..... 675, 691, 702, 712, 840.
Woman Member Requirement
S 550 (Ch. 618) ..... 472, 556, 566, 651, 661, 672.
Forest Rangers Issue Citations
S 194 (Ch. 327) ..... 165, 302, 313, 331, 335, 406, 415, 424.
Highway Patrol
Badges Redesigned/Replaced Funds
S 697 (failed 3rd rdg) ..... 842, 894, 899.
Patrol/Driver's License Examiner Facility
S 551 (H 1159) (Appr Com/see S 313-Ch. 923) ..... 472.
Sergeant Qualify Shift Premium Pay
S 130 (Appr Com) ..... 92.
Signal 25 Communicators Funds
S 601 (Ch. 879) ..... 581, 848, 881.
Jailer Training and Certification
H 642 (Ch. 745) ..... 473, 759, 782, 810.
Law Officer Retirement Definition
S 309 (unf rpt) ..... 246, 759.
Law Officers Minimum Salary Act Repealed
H 1380 (Ch. 781) ..... 791, 796, 824, 841.
Police
Animal Injury/Criminal Classification
H 918 (Ch. 646) ..... 544, 659, 670, 705.
Assault/Mandatory Sentence
S 30 (J I Com) ..... 36.
Private Police
Alarm Systems Licensing Act
H 709 (Ch. 786) ..... 591, 699, 719, 767, 782, 792, 801, 841.
Alarm System School Rule Setting
H 1463 (Ch. 810) ..... 836, 842.
Deception Examiner Redefined
S 224 (Ch. 259) ..... 193, 240, 248, 375.
Locksmith Licensing Requirements
S 640 (reref J III Com) ..... 668, 767, 781, 792.
Private Detective Amendments
H 255 (Ch. 794) ..... 323, 482, 539, 546, 681, 812, 825, 840.
Private Protective Services Fund Created
S 238 (Ch. 673) ..... 209, 464, 479, 560, 574, 713.
Private Protective Services Board Fees
H 136 (Ch. 67) ..... 87, 143, 152, 156, 160.

Law Enforcement (continued)
Radar Law Funds
S 554 (H 1164) (Ch. 877) ..... 489, 848, 881.
Retired Death/Accident Benefits Extension
S 106 (H ppi) ..... 78, 192, 201.
Retirement Pay Increase
S 105 (reref Appr Com) ..... 78, 192.
Sheriff
Bond Furnished to Collect Taxes Repealed
H 343 (Ch. 670) ..... 544, 659, 670, 678, 713.
Education/Training Standards Commission Established
S 513 (H 1107) (Ch. 558) ..... 422, 537, 546, 553, 614, 624, 634.
Escape Due to Negligence Modified
H 1173 (Ch. 694) ..... 684, 692, 704, 752.
Eviction Procedures
H 937 (Ch. 672) ..... 473, 658, 671, 678, 714.
Liability for Deputy's Act
H 775 (Conf Com) ..... 651, 883, 885, 890, 897.
Prisoner Transfer Within State
H 152 (Ch. 165) ..... 112, 241, 249, 271.
Process Servers, Special Allowed
S 530 (unf rpt) ..... 447, 759.
Reserve Deputy Program/Nine Counties
H 530 (Ch. 344) ..... 378, 411, 440, 449.
Special Conservation Officers Power
H 194 (Ch. 484) ..... 329, 487, 546, 586.
Traffic Control Officers
H 116 (Ch. 483) ..... 96, 182, 189, 212, 228, 362, 386, 396, 416, 430, 461, 467, 586.

Lawing, W. Craig—Senator (President Pro Tempore) Cabarrus, **Mecklenburg—22nd District**
Absent With Leave ..... 72, 107, 154, 167, 172, 177, 404, 410, 452, 456, 463, 665, 827.
Adjournment Motion ..... 25, 26, 28, 30, 32, 34, 35, 37, 39, 41, 44, 46, 49, 50, 52, 54, 57, 59, 62, 64, 66, 69, 72, 75, 79, 82, 84, 86, 89, 94, 98, 101, 104, 106, 114, 117, 137, 142, 160, 163, 167, 183, 191, 197, 202, 206, 210, 218, 223, 228, 233, 243, 251, 259, 263, 267, 272, 279, 295, 301, 316, 321, 324, 332, 339, 346, 351, 356, 360, 367, 375, 380, 384, 386, 398, 403, 409, 425, 434, 446, 451, 456, 476, 480, 485, 493, 541, 548, 554, 559, 568, 579, 587, 596, 609, 620, 634, 639, 645, 655, 664, 680, 687, 698, 706, 714, 720, 752, 764, 775, 784, 793, 808, 851, 869, 885, 897, 909.
Addresses Senate ..... 12.
Certificate of Election ..... 6.
Committees:
Assignments: ..... 14, 15, 16, 17, 19, 20, 22.
Standing—
Rules and Operation of the Senate (Chairman)
Ways and Means (Vice-Chairman)
Appropriations—Appropriations/Human Resources—Banking—Base Budget—Finance—Insurance—Pensions and Retirement—Public Utilities and Energy—State Government—Ways and Means/Economy

Lawing, W. Craig—Senator (continued)
Committees (continued)
Conference—
SB 141 ..... 767, 863.
SB 621 ..... 781, 797.
SJR 693 ..... 901, 903.
HB 56 ..... 778, 785.
HB 278 ..... 646, 725.
HB 489 ..... 855, 875.
HB 559 ..... 869.
HB 1221 ..... 708, 756.
Journal
Approval Motion: ..... 25, 28, 31, 33, 37, 40, 42, 45, 46, 49, 51, 52, 58, 60, 62, 64, 66, 69, 74, 76, 80, 83, 84, 87, 89, 94, 99, 102, 105, 111, 115, 118, 138, 142, 148, 157, 161, 163, 181, 184, 191, 197, 203, 206, 211, 219, 223, 228, 234, 244, 251, 259, 264, 268, 272, 289, 296, 302, 309, 317, 322, 325, 332, 339, 346, 351, 357, 360, 368, 376, 380, 385, 387, 392, 398, 404, 417, 425, 435, 446, 452, 469, 477, 481, 486, 541, 549, 555, 568, 579, 588, 597, 610, 620, 628, 635, 639, 646, 656, 673, 688, 706, 714, 721, 753, 765, 775, 784, 794, 809, 839, 852, 869, 886, 898.
Remarks Spread ..... 98.
Oath of Office ..... 7, 9.
Prayer ..... 223.
President Pro Tempore—Nomination/Election ..... 9, 920.
Presides ..... 146, 255, 279, 285, 299, 305, 330, 390, 395, 491, 574, 592, 595, 615, 642, 651, 660, 694, 701, 711, 791, 803, 816.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 2, 4, 35, 36, 91, 393, 427, 446, 473, 474, 518, 519, 693, 698, 699.
Co-Sponsor ..... 22, 23, 38, 57, 65, 67, 70, 71, 76, 85, 107, 114, 117, 127, 129, 131, 134, 136, 144, 176, 295, 311, 312, 314, 323, 374, 413, 414, 424, 430, 471, 484, 536, 570, 597, 623, 650, 651, 653, 658, 676, 684, 689.

Leave Without Pay—see Studies (LRC)

Lee County—District 14—Senator Joseph E. Johnson
Senator William W. Staton
Senator Wilma C. Woodard
Temple Theatre Funds
S 205 (Appr Com/see S 313-Ch. 923) ..... 170.

Legislative Research Commission Studies—see Studies (LRC)

Legislators/Legislature—see General Assembly

Lenoir County—District 5—Senator Harold W. Hardison
Grifton Historical Painting Display Funds
S 297 (H 728) (Appr Com/see S 313-Ch. 923) ..... 231.
Hospitals Collections—1
H 1081 (unf rpt) ..... 478, 556, 649.
Hunting From Road With Dogs
H 85 (Ch. 41) ..... 75, 108, 114.

Lenoir County (continued)
Industrial-Agricultural Development Commission
H 337 (Ch. 94) ..... 155, 183, 190, 197.
Redevelopment Projects
H 599 (Ch. 207) ..... 267, 298, 307, 316.
Liability Insurance—see Insurance
Libraries
Film Loan/Schools First Priority
H 1176 (Ch. 819) ..... 592, 621, 633, 845, 855.
Voters Registered by Public Librarians
S 109 (Ch. 588) ..... 80, 144, 159, 166, 641, 652, 663.
Licenses—see individual subject
License/Operator's—see Motor Vehicles
License Plates—see Motor Vehicles
Licensing Boards
Agency Review Committee/Licensing Procedures
H 110 (H Rules Com) ..... 591, 658, 677, 686, 695, 708, 719, 849.
Architect Requirements
S 82 (St Gov Com) ..... 65.
H 163 (Ch. 47) ..... 81, 108, 114, 117.
Child Care (Residential) Facilities Licensed
H 115 (Ch. 637) ..... 478, 647, 662, 697.
Interest Generated to Boards
S 91 (Ch. 515) ..... 69, 91, 399, 404, 423, 429, 594.
Licensing Board Report to Governmental Operations
H 1456 (Sp W&M Com) ..... 869.
Liens
Construction Bond Requirement Threshold
H 1119 (Ch. 818/see also H 1189) ..... 824, 835, 836, 845, 855.
Materials Lien Trusts
S 569 (Ch. 888) ..... 543, 787, 804, 881.
Mechanics/Labor/Materialmen Payments Study—LRC
S 680 (Appr Com/see H 1142-Ch. 905) ..... 797.
Sewage Control Ordinances
H 1189 (Ch. 820/see also H 1119) ..... 771, 835, 836, 845, 855.
Vehicle Lien Sale Notice
H 120 (Ch. 44) ..... 86, 106, 110, 114.
Lieutenant Governor—see General Assembly (Senate President)
Lincoln County—District 25—Senator Ollie Harris
Senator Helen Rhyne Marvin
Senator Marshall A. Rauch
Boat Noise Limits on Some Lakes
H 724 (Ch. 787) ..... 701, 777, 792, 841.
Boat Stop on Blue Light
H 670 (Ch. 356) ..... 382, 428, 441, 450.
Election Filing
H 501 (Ch. 179) ..... 227, 270, 278, 293.
Highway Patrol Station
S 551 (H 1159) (Appr Com/see S 313-Ch. 923) ..... 472.
Life Preserver Requirements/All Vessels
H 375 (Ch. 200) ..... 255, 297, 306, 316.

Lincoln County (continued)
Lincolnton Governing Board Name
H 245 (Ch. 58) ..... 109, 140, 147, 153.
Teacher Payday
H 483 (Ch. 178) ..... 227, 270, 278, 293.
Liquor Regulations—see Alcoholic Beverage Control
Littering—see Transportation (Roads and Highways)
Livestock—see Agriculture
Loan—see Banks; Education; Interest
Local Government—see also Individual County
Alarm System/Local License Tax Prohibited
H 617 (Ch. 300) ..... 299, 362, 373, 375, 391, 397.
Agricultural Land Valuation
H 1201 (Ch. 821) ..... 694, 768, 811, 831, 844, 855.
Animal Pound Disposition
H 376 (Ch. 834) ..... 815, 820, 833, 837, 870.
Annexation Law Revision
S 107 (Ch. 636) ..... 80, 411, 458, 466, 474, 484, 668, 676, 685, 697.
Area Mental Health Land Purchase
H 307 (Ch. 402) ..... 330, 457, 468, 476.
Assessment Early Payment Discount
H 789 (Ch. 381) ..... 324, 412, 426, 449, 456.
Building Permit Requirement/$5,000
H 1147 (Ch. 614) ..... 565, 620, 633, 638, 672.
Building/Structure Height Limitation—Mountain Ridges
S 188 (see H 438) (Ch. 676) ..... 154, 253, 275, 280, 299, 310, 331, 684, 709, 720.
Car Towing Due Process
H 1061 (Ch. 420) ..... 437, 464, 475, 541.
Cities, Towns, and Municipalities
Annexation of Undeveloped Land
S 684 (Sp W&M Com) ..... 814.
Auction Sales to Public Officials
S 648 (failed 2nd rdg) ..... 693, 748, 762.
Baptists Help Plan Caswell
H 1277 (Ch. 743) ..... 694, 759, 773, 810.
Clerks Administer Oath
H 1227 (Ch. 648) ..... 641, 658, 671, 706.
Community Development Private Sale
H 1314 (Ch. 797) ..... 694, 800, 824, 841.
Drainage Tax Levy
H 1420 (Ch. 828) ..... 800, 808, 828, 844, 853, 860.
Extraterritorial Zoning Representation
H 1104 (Ch. 584) ..... 479, 613, 626, 655.
Incorporation Study/LRC
S 445 (reref Appr Com/see H 1142-Ch. 905) ..... 348, 428, 438, 456, 536, 552, 558.
Land Acquisition Outside County Procedure
S 176 (recom J II Com) ..... 145, 182, 188, 207, 215, 481, 486.
Municipal Assistance Agencies, Joint
H 951 (Ch. 609) ..... 591, 648, 662, 672.

Local Government (continued)
Cities, Towns, and Municipalities (continued)
Municipal Power Agencies Amendments
H 942 (Ch. 574) .....437, 563, 580, 593, 608, 645.
Neighborhood Preservation Programs
H 914 (J I Com) ..... 473.
Ordinance Introduction Time
H 1226 (Ch. 696) ..... 623, 658, 679, 752.
Parking Facilities Revenue Bonds
S 182 (Ch. 168) .....161, 185, 194, 201, 210, 271.
Personal Property Disposal Procedure
S 150 (Ch. 130) ..... 103, 149, 166, 229.
Pest Control Business Tax Barred
S 152 (Ch. 193) ..... 109, 212, 221, 308.
Plurality Election Filing
H 906 (Ch. 644) ..... 466, 649, 670, 705.
Property Disposal/Condemned Building
H 1239 (Ch. 698) ..... 641, 709, 720, 752.
Speed Zones/Municipalities
H 167 (Ch. 131) ..... 165, 219, 228, 233.
Subdivision Water System Dedication
H 1283 (Spec W&M Com) ..... 685.
Vacancy Filled Until Election
H 1415 (Ch. 827) ..... 834, 851, 854, 860.
County
Commission Membership on Boards Clarified
H 1199 (Ch. 651) ..... 630, 683, 697, 706.
County Election Supervisor Removal
H 1237 (Ch. 697) ..... 651, 692, 704, 752.
Federal Prisoners in County Jail
H 400 (Ch. 219) .....174, 245, 257, 258, 262, 271, 280, 289, 320.
Hospital Branches Other Counties
H 551 (Ch. 578) ..... 354, 562, 584, 655.
Human Resources Services Supplied—1
H 351 (Hum Res Com) ..... 215.
Human Resources Services Provided—2
S 523 (Hum Res Com) ..... 436.
Jailer Training and Certification
H 642 (Ch. 745) ..... 473, 759, 782, 810.
Land Survey Recording Revisions
H 663 (Ch. 473) ..... 473, 536, 547, 579.
Maps/Plats Validated
S 608 (Ch. 756) .....590, 628, 638, 791, 806, 809.
Migrant Farm Worker County Funds
S 164 (Appr Com) ..... 116.
Personnel Policy—Welfare/Mental Health
S 251 (Ch. 674) ..... 214, 603, 623, 713.
School Superintendent Selection
S 413 (Ch. 478) ..... 318, 426, 438, 579.
Watershed Financing, Small
S 252 (Ch. 321) .....214, 244, 256, 262, 275, 417.

Local Government (continued)
County (continued)
Welfare Fund Recovery/DHR Aid
S 8 (Ch. 13) ..... 32, 36, 39, 73.
Wetlands Zoning Authority
H 865 (Ch. 441) ..... 382, 488, 545, 554.
Development Under CAMA Permit Requirements
S 267 (St Gov Com) ..... 224.
H 226 (Ch. 399) ..... 312, 458, 467, 475.
Domiciliary Home Community Advisory Committee Required
S 18 (H 42) (Ch. 88) ..... 33, 53, 57, 59, 174, 180, 183.
Education Finance Revisions
S 396 (H 1055) (Fin Com) ..... 304.
Eminent Domain
Land Acquisition/Outside County
S 176 (recom J II Com) ..... 145, 182, 188, 207, 215, 481, 486.
Water/Sewer Districts
S 663 (H 1414) (Ch. 735) ..... 749, 762, 772, 794.
Employee Defense/Water and Sewer
H 345 (Ch. 525) ..... 371, 570, 607, 619.
Enterprise Requirements—Minority/Women
S 583 (Appr Com) ..... 557.
Finance
Energy Development Authority Bonds
S 308 (Ch. 652) ..... 246, 393, 407, 415, 676, 685, 694, 705.
Public Funds in Savings and Loan
S 118 (Ch. 158) ..... 85, 111, 136, 248, 255, 263.
Registered Public Obligations Act
S 410 (Ch. 322) ..... 317, 340, 350, 355, 417.
Revenue Bonds/Notes Amendments
S 411 (Ch. 554) ..... 318, 426, 437, 448, 633.
Sales Tax on Newspaper Advertising
S 558 (Fin Com) ..... 490.
Flood Control/Recreation Project Development Grants
S 268 (Ch. 450) ..... 224, 252, 273, 292, 553.
Historic Property Sales
H 850 (Ch. 456) ..... 378, 482, 492, 559.
Inspection Procedures, Local
H 851 (Ch. 377) ..... 407, 427, 443, 450.
Property Taxes Levied—Industrial/Economic Dev.
H 1049 (Ch. 511) ..... 465, 470, 561, 578, 586, 595.
Property Tax Study Commission Established
H 1050 (Ch. 838) ..... 605, 649, 850, 871.
Public Hearings Witness by Oath
H 1287 (Spec W&M Com) ..... 676.
Retirement Systems Inequities/Senate Committee Study
S 627 (reref Appr Com) ..... 622, 667.
School Transportation System Authority
S 547 (Ch. 630) ..... 472, 621, 632, 638, 659, 669, 679.
H 1162 (Ed Com) ..... 622.
Tax Lien Sales Abolished/Foreclosure Procedures
S 647 (Ch. 808) ..... 693, 709, 719, 840.

Local Government (continued)
Taxes Allowed/Various Local
H 426 (Ch. 908) ..... 684, 700, 803, 816, 829, 838, 863, 871, 889, 891.
Telephone Network Access
S 304 (Ch. 406)..... 246, 363, 372, 475.
Tort Immunization/Court-Ordered Community Service
S 644 (H Rules Com) .....675, 800, 823.
Transportation Alternative/Mental
H 288 (Ch. 138) .....159, 185, 202, 205, 233.
Local Occupancy Tax—see Taxation
Locksmith Licensing—see Law Enforcement (Private Police)
Lottery—see Criminal Law (Gambling)
Lung Disease/Injury—see Workers Compensation

—M—

Machinery Act—see Taxation (Property)
Macon County—District 29—Senator Charles W. Hipps
Senator R. P. Thomas
Ambulance Service
H 95 (Ch. 42) ..... 85, 106, 110, 114.
Force Account Limit Increased
H 638 (Ch. 355) ..... 348, 412, 441, 450.
Madison County—District 28—Senator Robert S. Swain
Senator Dennis Winner
Magistrates—see Judicial Department
Make-up Artist—see Cosmetic Art
Manufacturer—see Commerce and Business; Taxation
Maps/Plats—see Deeds (Register)
Marijuana—see Medicine (Drugs)
Marine Fisheries—see Natural and Economic Resources
Marion, Jr., George W.—Senator Alleghany, Ashe, Rockingham, Stokes, **Surry**, and Watauga—**24th District**
Absent With Leave.....36, 83, 94, 154, 177, 234, 260, 264, 317, 569, 610.
Adjournment Motion.....44, 609.
Certificate of Election..... 6.
Committees: Assignments ..... 14, 17, 18, 47.
Standing—
Local Government and Regional Affairs (Co-Chairman)
Appropriations/Justice and Public Safety (Vice-Chairman)
Appropriations—Base Budget—Insurance—Judiciary I—Rules and Operation of the Senate
Conference—
SB 1 .....227, 501.

Oath of Office ..... 7.
Recorded Present ..... 172.
Bills and Resolutions (Senate Bill Numbers)
Primary Sponsor ..... 3, 130, 176, 348, 562, 582, 679.
Co-Sponsor 69, 71, 76, 117, 123, 127, 129, 136, 179, 188, 206, 207, 283, 323, 327, 350, 374, 393, 412, 413, 424, 430, 471, 500, 513,

Marion, Jr., George W.—Senator (continued)
Bills and Resolutions (continued)
Co-Sponsor (continued)
515, 539, 564, 570, 591, 593, 596, 631, 643, 648, 650, 653, 659, 689.
Endorsement Withdrawn..... 111.
Marital Property Distribution—see Married Persons
Married Persons
Bigamy Classified Misdemeanor
H 921 (failed 2nd rdg).....407, 427, 444.
Divorce
Alimony Amount Factors Expanded
H 141 (recom J II Com).....119, 169, 176.
Alimony/Cohabitation Changes Circumstances
H 520 (J III Com)..... 842.
Alimony Enforcement During Appeal
H 790 (J II Com)..... 378.
Child Support
Child Support Arrears/Judgment Due—Modification
S 549 (J II Com)..... 472.
Child Support Enforcement
S 89 (H 179) (Ch. 677)..... 67, 148, 166, 175, 180, 376, 383, 629, 640, 652, 656, 666, 701, 712, 720.
Child Support Fee to Court
S 65 (Fin Com)..... 54.
Child Support Notice Time
H 1228 (Ch. 587)..... 623, 640, 654, 664.
Child Support Payment Ensured
H 1473 (Ch. 907).....885, 887.
Child Support Probation Condition/Procedures
S 90 (H 180) (Ch. 567) ... 67, 148, 166, 175, 180, 376, 383, 622, 631, 639.
Child Support Through High School
S 29 (Ch. 54)..... 36, 51, 54, 153.
Divorce
Communication Privilege/Social Worker
S 635 (J II Com)..... 650.
Health Insurance Conversion/Continuation
S 479 (H 1015) (Ch. 668)..... 385, 453, 461, 591, 690, 702, 713.
Judgment By Court Clerks
S 505 (J III)..... 421.
Marital Property Valuation Date
H 503 (Ch. 671).....330, 453, 462, 468, 483, 489, 665, 707, 713.
Marital Therapist Insurance Coverage
S 639 (Hum Res Com)..... 659.
Separation Agreement Termination
H 142 (tabled).....145, 168, 182, 189, 393, 402, 430, 455.
Support/Custody During Appeal
H 791 (Ch. 530)..... 365, 571, 608, 619.
Separation Sole Grounds
H 1144 (Ch. 613-see S 313-Ch 923).....622, 640, 654, 663, 672.
Spouse Testimony in Civil Action
H 1258 (tabled)..... 660, 715, 751, 763.

Married Persons (continued)
Divorce (continued)
Visitation Rights—Nonparents
H 107 (J III Com) ..... 565.
Equitable Distribution
Injunction
H 414 (Ch. 309) ..... 255, 311, 324, 327, 337, 344, 409.
Pension Distribution Date
H 1464 (Ch. 811-see H 1129) ..... 835, 838, 842.
Pensions/Equitable Distribution
S 537 (H ppi) ..... 459, 682, 691, 699.
H 1129 (Ch. 758) ..... 798, 800, 804, 810.
Property Definitions
H 413 (Ch. 640) ..... 261, 310, 324, 482, 545, 558, 588, 674, 681, 698.
Marriage License Name Reflect Change
H 933 (recom Conf Com) ..... 694, 811, 861, 885, 887, 891, 900.
Married Woman's Income Tax Domicile
H 432 (Ch. 195) ..... 232, 269, 277, 284, 308.
Martin County—District 2—Senator J. J. Harrington
District 9—Senator Vernon E. White
Hospitals Collections—2
H 1087 (unf rpt) ..... 479, 560, 649.
Hunting Restrictions
H 521 (N&ER Wildlife Com) ..... 615.
Martin County Players Funds
S 696 (Appr Com/see S 313-Ch 923) ..... 842.
Regional Jail Scope
H 1263 (Ch. 716) ..... 669, 759, 773, 783.
Martin, William M.—Senator **Guilford** (part)—**31st District**
Adjournment Motion ..... 72, 259, 409.
Certificate of Election ..... 7.
Committees: Assignments ..... 14, 16, 17, 20, 21, 22, 47, 218.
Standing—
Higher Education (Vice-Chairman)
Appropriations—Appropriations/Education—Base Budget—Education—Human Resources—Judiciary II—State Government—State Government/Election Laws
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003.
Oath of Office ..... 7.
Votes/Excused: S. B. 323 ..... 479.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 66, 77, 80, 242, 438, 439, 485, 546, 547, 561, 588, 609.
Co-Sponsor ..... 25, 29, 36, 39, 68, 76, 108, 111, 114, 117, 123, 127, 129, 130, 136, 145, 157, 161, 177, 181, 189, 193, 248, 253, 259, 274, 275, 279, 282, 295, 327, 329, 331, 340, 341, 342, 349, 374, 393, 413, 430, 457, 504, 513, 515, 517, 522, 537, 538, 552, 570, 597, 623, 643, 646.
Marvin, Helen Rhyne—Senator Cleveland, **Gaston,** Lincoln, Rutherford—**25th District**

Marvin, Helen Rhyne—Senator (continued)
Absent With Leave ..... 107, 115, 307, 339, 347, 398, 579, 839, 852, 869, 886, 898.
Adjournment Motion ..... 160, 392, 485.
Certificate of Election ..... 6.
Committees: Assignments ..... 14, 16, 17, 18, 20, 47, 218.
Standing—
Judiciary II/Constitutional Amendments (Chairman)
Appropriations/Natural and Economic Resources (Vice-Chairman)
State Government (Vice-Chairman)
Appropriations—Base Budget—Education—Human Resources—Judiciary II.
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003.
Conference—
SB 621 ..... 781, 797.
HB 413 ..... 588, 674.
HB 503 ..... 489, 665.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 39, 89, 90, 195, 245, 246, 254, 262, 286, 329, 486, 514, 549, 550, 551, 592, 639.
Co-Sponsor ..... 1, 29, 36, 51, 57, 63, 64, 71, 76, 108, 111, 117, 121, 127, 129, 130, 136, 171, 177, 188, 206, 207, 212, 215, 231, 237, 259, 265, 266, 267, 268, 269, 270, 271, 323, 331, 361, 374, 392, 393, 404, 406, 413, 415, 424, 429, 451, 471, 479, 488, 499, 513, 515, 517, 537, 552, 562, 570, 588, 589, 595, 596, 597, 609, 613, 614, 623, 627, 631, 632, 646, 650, 653, 675.

Maternity—see Medicine
Mathematics and Science School—see Education
McDowell County—District 28—Senator Robert S. Swain
Senator Dennis Winner
Property Disposal/Use Limitation
H 449 (Ch. 224) ..... 215, 297, 306, 332.
Mecklenburg County—District 22—Senator Cecil R. Jenkins, Jr.
Senator Kenneth Harris
Senator W. Craig Lawing
Senator Benjamin T. Tison
ABC Board
H 882 (Ch. 788) ..... 779, 811, 829, 841.
Assessments Extended
H 462 (Ch. 189) ..... 232, 270, 277, 284, 293.
Boat Noise Limits on Some Lakes
H 724 (Ch. 787) ..... 701, 777, 792, 841.
Boats Stop on Blue Light
H 670 (Ch. 356) ..... 382, 428, 441, 450.
Central Piedmont College Leases
H 500 (Ch. 230) ..... 287, 328, 338, 345.

Mecklenburg County (continued)
Charlotte
Condemnation Powers
H 580 (Ch. 437) ..... 406, 488, 540, 547, 553.
Construction Bonds
H 579 (Ch. 422) ..... 406, 487, 539, 548.
Discovery Place Operating Expenses
S 85 (Appr Com/see S 313-Ch 923) ..... 65.
Firemen's Retirement
H 1302 (Ch. 767) ..... 761, 768, 795, 815, 828.
Firemen's Tax Shelter
H 729 (Ch. 506) ..... 544, 572, 585, 595.
Littering Fine
H 822 (Ch. 362) ..... 401, 428, 442, 450.
Ordinance Penalty Raised
H 309 (Ch. 71) ..... 117, 140, 147, 163.
Property Sale
H 308 (Ch. 92) ..... 119, 183, 189, 197.
Charlotte/Mecklenburg
Program Operation/Appropriation
H 425 (Ch. 119) ..... 200, 208, 217, 223.
Teacher Tenure Pilot Program
H 796 (Ch. 394) ..... 382, 426, 434, 442, 469.
Use Permits
H 631 (Ch. 488) ..... 473, 563, 576, 587.
Gun Permit Fee
H 399 (Ch. 145) ..... 179, 208, 217, 222, 251.
Life Preserver Requirement/All Vessels
H 375 (Ch. 200) ..... 255, 297, 306, 316.
Mandatory Mediation Custody Dispute
H 879 (J II Com/see S 23-Ch 761) ..... 615.
Mint Hill Annexation
H 885 (Ch. 372) ..... 383, 414, 433, 443, 451.
Ordinance Penalty Increased
H 424 (Ch. 118) ..... 200, 208, 217, 223.
Road Debris
H 669 (Ch. 264) ..... 319, 359, 367, 375.
School Board Vacancy
H 78 (Ch. 56) ..... 116, 140, 146, 153.
Subdivision Speed Limit
H 423 (Ch. 153) ..... 200, 241, 250, 259.
Medicaid/Medicare—see Appropriations (Budget)
Medical Commission—see Medicine
Medicine
Corneal Tissue Removal
S 470 (H Health Com) ..... 377, 482, 490, 574.
Counselor Certification Board
S 553 (Ch. 755) ..... 477, 555, 560, 575, 779, 787, 805, 809.
Courier Service Chain of Custody
H 682 (Ch. 375) ..... 371, 411, 442, 450.
Cremation Provision in Will
H 450 (recom J I Com) ..... 354, 427, 440, 448.

Medicine (continued)
Dentist
Prepaid Dental Plans and Organizations Regulated
S 216 (H 453) (reref Appr Com)....186, 647.
Doctor
Records Classification Confidential
S 434 (Ch. 471)....342, 453, 461, 568.
Drugs—see also Pharmacy under this Heading
Drug Embezzlement/Doctor Shopping
H 767 (Ch. 773)....565, 658, 678, 716, 754, 813, 825, 827.
Execution by Drugs
S 323 (Ch. 678)....254, 340, 465, 479, 491, 539, 546, 701, 712, 720.
Marijuana Possession Punishments
S 342 (failed 2nd rdg)....265, 453, 460.
Methaqualone to Schedule I
H 1215 (Ch. 695)....631, 690, 704, 752.
Money Forfeiture—1
H 711 (Ch. 528)....319, 361, 458, 475, 480, 619.
Money Forfeiture—2
S 317 (H 748) (unf rpt)....247, 682.
Narcotics Investigative Crime Commission Study/LRC
S 455 (reref Appr Com)....364, 758.
Sales to Minors Felony Classification
S 337 (Ch. 414)....264, 393, 402, 493.
Employee Hospital and Medical Benefits Committee
S 474 (Ch. 452)....381, 428, 438, 553.
Hospitals
Alcohol/Drug Treatment Bed Freeze
S 345 (Ch. 415)....265, 362, 402, 541.
Branches Other Counties
H 551 (Ch. 578)....354, 562, 584, 655.
Certificate of Need Modification
H 543 (Ch. 835)....359, 611, 849, 870.
Certificate of Need/New Replacing Old Facility
H 1056 (reref Appr Com)....466, 611.
Certificate of Need Withdrawn
H 975 (Hum Res Com)....437.
Hospice Licensure Act
H 370 (Hum Res Com)....348.
Intermediate Care Facility Beds
H 583 (Ch. 836)....415, 570, 849, 871.
Life Care Centers Need Certificates
H 779 (Ch. 920)....429, 611, 894, 899.
Long-Term Care Liability
S 7 (Ch. 12)....31, 52, 56, 73.
NC Memorial/Critical Care Facility
S 187 (H 377) (Appr Com)....154.
Nursing/Interim Care Moratorium Exempt—Mitchell
S 382 (reref Appr Com)....290, 483.
Public Hospital Law Revision
S 278 (reref St Gov Com)....225, 667, 689, 702, 712, 751.
H 645 (Ch. 775)....779, 788, 792, 801, 827.

Medicine (continued)
Hospitals (continued)
Small Facility Certificates of Need
H 1395 (Ch. 858) ..... 859, 882.
Sales and Use Tax Refunds—see Taxation (Sales and Use)
Institute of Medicine Established
S 212 (reref Appr Com/see S 313-Ch 923) ..... 179, 273.
Juvenile Emergency Admissions
S 273 (Ch. 302) ..... 225, 245, 256, 382, 395, 403.
Marital Therapist Insurance Coverage
S 639 (Hum Res Com) ..... 659.
Maternity Care Homes Operation
H 215 (unf rpt) ..... 103, 108, 115, 852.
Maternity Home Care Funds
H 538 (Ch. 846) ..... 857, 870.
Medical Care Commission Membership Increased
S 335 (unf rpt) ..... 260, 561.
Medical Cost Containment Commission
S 518 (Ch. 875) ..... 435, 488, 847, 881.
Medical Equipment Sales Tax Revisions
H 9 (Fin Com) ..... 669.
Medical Records Subpoenaed
H 1016 (Ch. 665) ..... 637, 683, 697, 704, 714.
Mental Health Facility Licensing
H 733 (Ch. 718) ..... 478, 757, 773, 783.
Midwifery Practice Act
H 814 (Ch. 897) ..... 815, 820, 852, 854, 872, 886.
Mortuary Science Board Created
H 212 (Ch. 69) ..... 97, 108, 137, 142, 160.
Natural Death Act Amended
S 240 (Ch. 313) ..... 209, 302, 324, 409.
Neural Tube Defect Screening Funds
H 164 (Ch. 843) ..... 856, 870.
Nurses
Education Standards
H 31 (Ch. 73) ..... 150, 161, 166, 171.
Reactivation Application Fee
S 54 (Ch. 53) ..... 50, 76, 88, 142.
Nursing Homes
Administrators Continuing Education Requirements
H 211 (Ch. 72) ..... 119, 143, 152, 167.
Administrator Fees
S 55 (Ch. 215) ..... 50, 163, 171, 321.
Administrator License
H 1344 (Ch. 737) ..... 701, 748, 764, 794.
Bill of Rights
S 13 (H 40) (Ch. 143) ..... 32, 186, 201, 251.
Board's Legal Defense
S 17 (H 46) (unf rpt) ..... 33, 555.
Non-Medicaid/Bed Certificates of Need
S 590 (reref Appr Com) ..... 573, 611.
Occupational Therapy Licensing
S 436 (H Rules Com) ..... 342, 387, 700, 810, 831, 843.

Medicine (continued)
Osteopathic Examiners Board—Terms/Fees
H 213 (Ch. 107) ..... 141, 185, 195, 201, 206.
Optometrist/Prescription of Drugs Prohibited
S 454 (Hum Res Com) ..... 364.
Pharmacy Practice Act Amendments
H 440 (Ch. 196) ..... 232, 273, 292, 300, 308.
Podiatry Examiners Board Amendments
S 169 (Ch. 217) ..... 144, 185, 194, 201, 321.
Prison Medical Contractor's Defense
S 338 (H ppi) ..... 265, 602, 616.
Psychologist
Age Limit Lowered
H 135 (Ch. 37) ..... 81, 91, 97, 101.
Licensing Revisions
H 258 (Ch. 82) ..... 145, 164, 171, 176, 181.
Public Health Law Revision
S 141 (H 318) (Ch. 891) ..... 100, 542, 580, 592, 606, 761, 767, 788, 808, 862, 868, 880.
Toxicology Laboratory, Reynolds Health Center
H 65 (Ch. 18) ..... 59, 65, 79, 82.
Mental Health
Adult Day-Care Program, State
S 552 (Ch. 876/see S 313-Ch 923) ..... 472, 848, 881.
Adult Development Activity Funds
H 478 (Ch. 882) ..... 857, 881.
Area Matching Funds Equalization—2
S 69 (reref Appr Com) ..... 56, 145.
Area Mental Health Land Purchase
H 307 (Ch. 402) ..... 330, 457, 468, 476.
Area Programs Funding Study
S 331 (Rules Com) ..... 260.
H 760 (Res. 21) ..... 382, 428, 442, 450.
Autism
Autistic Adult Home Funds
S 612 (Appr Com/see S 313-Ch 923) ..... 590.
Autistic Adult Training Funds
S 637 (Appr Com/see S 23-Ch 761) ..... 659.
Group Homes/Western NC Funds
S 328 (H 771) (Appr Com) ..... 254.
Board Membership Increased, Area
S 11 (Ch. 6) ..... 32, 36, 39, 69.
Catchment Area Definition
H 676 (Ch. 280) ..... 319, 374, 380, 912.
Commitment
Involuntary Outpatient Funds/Ch. 638
S 116 (Ch. 864) ..... 84, 846, 880.
Juvenile Emergency Admissons
S 273 (Ch. 302) ..... 225, 245, 256, 382, 395, 403.
Voluntary—Juvenile/Incompetent
S 633 (Ch. 889) ..... 636, 748, 762, 881.

Mental Health (continued)
Commitment, Involuntary
Counsel for Indigents
H 331 (Ch. 275) .....232, 297, 305, 326, 330, 332, 361, 363, 380.
Hearings/Counsel Provided by District Attorney
S 63 (reref Appr Com) .....53, 253.
Insanity, Not Guilty Plea by Reason
S 75 (Ch. 380).....58, 253, 261, 270, 275, 455.
Outpatient Plan
H 124 (Ch. 638) ..... 400, 580, 606, 668, 673, 681, 697.
Correction Department Receive Information
H 920 (Ch. 491) ..... 478, 562, 577, 587.
Day Care Employee Qualifications
H 144 (Ch. 277) ..... 318, 373, 379, 912.
Disabled Permanently and Totally Definition
S 10 (Ch. 14)..... 32, 36, 39, 73.
Employee Records Private
H 689 (Ch. 281) ..... 323, 374, 380, 912.
Facility Licensing
H 733 (Ch. 718) ..... 478, 757, 773, 783.
Funding Appeals Process
S 6 (Ch. 5)..... 31, 36, 39, 69.
Hospitals for Mentally Disordered Recodification
H 1185 (Res. 50) .....859, 881.
Incompetent Defendant Dismissal
S 320 (H ppi)..... 247, 369, 374, 383.
H 700 (Ch. 460) .....395, 482, 491, 540, 568.
Incompetent—Partition of Real Property
H 433 (J II Com)..... 630.
Insurance Coverage Encouraged
S 64 (Res. 5)..... 54, 77, 82, 156.
Intermediate Care Facility Beds
H 583 (Ch. 836) ..... 415, 570, 849, 871.
Mental and Specialty Hospitals Allowable Costs
S 313 (Ch. 923)..... 247, 899, 900, 907.
Mentally Disabled Persons Policy
S 585 (Res. 43).....564, 647, 661, 750, 762, 774.
Prisons Programs Authority
H 719 (Ch. 376) .....288, 302, 419, 442, 450.
Residential Centers for Children Funds
H 1329 (Ch. 885) .....859, 882.
Sheltered Workshop Funds—Orange County
S 683 (Appr Com/see S 313-Ch 923) ..... 814.
Single Portal Principle Definition
H 118 (Ch. 383) .....174, 185, 195, 201, 362, 375, 383, 390, 463.
Study Commission Continued
S 103 (Ch. 268).....78, 90, 97, 371, 379.
Title XX Rules Exemption
H 598 (Ch. 278) ..... 319, 373, 380, 912.
Treatment Center Escapee Returns
H 690 (Ch. 548) .....354, 562, 576, 585, 627.
"Willie M" Funds/Property Purchase
S 45 (Ch. 25)..... 48, 53, 57, 89.

Midwife—see Public Health
Migrant Worker—see Agriculture, Criminal Law
Military
Civil Air Patrol License Plate Fee Eliminated
S 629 (H 1203) (reref Fin Com) ..... 622, 702.
Disabled Veteran
Dependent—NC Drivers License Exemption
H 198 (Ch. 436) ..... 103, 399, 416, 456, 536, 548, 553.
Park in Handicapped Space
S 96 (H reref Appr E Com)..... 70, 139, 151.
Property Tax Exclusion
S 71 (Fin Com)..... 56.
High Frontier Technology Urged
S 174 (Rules Com)..... 145.
Honorable Discharge Mitigating Factor Criminal Case
H 527 (Ch. 606) ..... 323, 649, 662, 672.
MIA Dependents/In-State Tuition
S 295 (reref Appr Com) ..... 231, 303, 313.
Nuclear Weapons Freeze Urged—1
S 111 (H 240) (tabled)..... 81, 90, 95, 99, 102, 164, 171.
Peace Through Strength Strategy
S 128 (H 333) (Rules Com) ..... 92, 95.
National Guard
Buncombe—Training Center Funds
S 542 (Appr Com) ..... 471.
Court Martial Manual
S 301 (Ch. 316)..... 232, 303, 331, 409.
Court-Martial Rights/Procedures
S 300 (Ch. 315)..... 232, 303, 331, 409.
Unemployed Member/Equal Benefits
S 607 (Ch. 675)..... 590, 640, 653, 661, 713.
Retirement Age Restriction Removed
S 299 (Ch. 314)..... 232, 303, 331, 336, 409.
Tuition/In-State Rate
S 346 (H reref Appr E Com)..... 266, 357, 372, 379, 386.
Milk—see Agriculture
Mineral Rights
Mineral Rights Enforcement
H 443 (Ch. 502) ..... 484, 563, 576, 584, 594.
Mines and Quarries
Uranium Exploration Regulated
H 674 (Ch. 279) ..... 323, 363, 374, 380.
Minimum Wage—see Labor (Salaries)
Minor—see Child Welfare; Judicial Department (Juvenile)
Missing In Action—see Military
Mitchell County—District 27—Senator James H. Edwards
Senator Donald R. Kincaid
Accountant Elective Office Abolished
S 239 (Ch. 428)..... 209, 241, 248, 548.
Bakersville Satellite Annexation
H 1249 (Ch. 660) ..... 637, 683, 697, 704, 714.
County Officers Referendum
S 292 (H 710) (Loc Gov Com)..... 231.

Mitchell County (continued)
Nursing/Intermediate Care Moratorium Exemption
S 382 (reref Appr Com) ..... 290, 483.
Rhododendron Festival Funds
S 225 (H 539) (Appr Com/see S 313-Ch 923) ..... 193.
Tax Collector Appointed
S 190 (Ch. 269) ..... 158, 182, 188, 379.
Mobile Homes—see Motor Vehicles
Money Judgments—see Civil Procedure
Monopolies—see Commerce
Montgomery County—District 17—Senator Robert B. Jordan III
Senator Aaron Plyler
School Board To Sell Land
S 95 (Ch. 78) ..... 70, 105, 110, 176.
Moore County—District 16—Senator Wanda H. Hunt
Senator Russell Walker
Aberdeen/Union Station Restoration Funds
S 686 (H 1450) (Appr Com/see S 313-Ch. 923) ..... 814.
Beer/Wine Profit Distribution—Townships
H 1139 (Ch. 650) ..... 630, 666, 678, 697, 705.
Coroner's Office Abolished
S 27 (H 30) (Ch. 36) ..... 35, 75, 78, 101.
Deer Hunting With Dogs
H 640 (N&ER Wildlife Com) ..... 615.
Pinehurst Police Jurisdiction
H 585 (S 233) (Ch. 260) ..... 312, 359, 366, 375.
School Board Pay
S 365 (H 827) (Ch. 338) ..... 286, 327, 336, 445.
School Board Vacancy
S 26 (Loc Gov Com) ..... 35.
H 29 (Ch. 16) ..... 49, 75, 79, 82.
Southern Pines Charter Amendments
H 801 (Ch. 359) ..... 382, 412, 433, 442, 450.
Mortgages
Foreclosure
Hearings Continuances
S 634 (H Rules Com) ..... 650, 682, 695.
Notice Posting
S 97 (Ch. 335) ..... 73, 105, 110, 423, 429, 445.
Validation of Certain Sales—1
H 1042 (Ch. 582) ..... 460, 555, 578, 655.
Validation of Certain Sales—2
H 1394 (Ch. 738) ..... 762, 778, 793, 794.
Power of Sale Notice
H 1330 (Ch. 799) ..... 771, 811, 837, 841.
Mortuary
Burial Association Purchase
H 954 (Ch. 766) ..... 552, 757, 782, 827.
Funeral/Burial Funds Amendments
H 800 (Ch. 657) ..... 460, 589, 617, 656, 688, 700, 713.
Mortuary Science Board Created
H 212 (Ch. 69) ..... 97, 108, 137, 142, 160.

Motor Carrier—see Transportation
Motor Vehicles
Accident Reporting At $500 Damage—1
H 499 (Ch. 229) ..... 319, 327, 337, 345.
Auto Tax to Five Dollars—1, Local
H 217 (Ch. 75) ..... 100, 143, 152, 156, 171.
Auto Tax to Five Dollars—2, Local
H 428 (Ch. 188) ..... 188, 244, 258, 262, 293.
Automobile Buyer/Manufacturer Remedies
H 1093 (Ch. 598) ..... 490, 560, 621, 652, 664.
Breathalyzer Refusal License Revocation
H 121 (Ch. 87) ..... 109, 173, 180, 183.
Car Towing Due Process
H 1061 (Ch. 420) ..... 437, 464, 475, 541.
Dealership License Amendments—2
S 424 (H 941) (Ch. 704) ..... 334, 628, 642, 652, 750, 764.
Driver Financial Responsibility Requirements
H 1076 (Ch. 691) ..... 684, 709, 719, 752.
Drunk Driving
Driving After Drinking Prohibited—18/21 Age
S 438 (J II Com) ..... 343.
Seizure of Drunken Driver's Vehicle
S 53 (unf rpt) ..... 50, 311.
DWI
DWI School Attendance in Own County
H 1332 (Spec W&M Com) ..... 711.
Gross Negligence, Constitutes
S 79 (unf rpt) ..... 63, 758.
Plea Bargaining Eliminated/Second Offense
S 423 (J I Com) ..... 334.
Emergency
Fire Marshall Assistant/Red Light Use
S 86 (unf rpt) ..... 67, 105.
H 83 (Ch. 32) ..... 73, 87, 93, 98.
Rescue Service/County Fire District Furnish
H 1222 (Ch. 642) ..... 631, 667, 678, 687, 698.
Equipment Approval Fee
H 210 (Ch. 223) ..... 162, 273, 300, 305, 332.
Farm Vehicle Weight Limits
S 185 (Ch. 407) ..... 154, 280, 288, 473, 479, 485.
Financial Interest Rates Extended
S 57 (Ch. 68) ..... 50, 95, 101, 160.
Handicapped Parking Fine Increased
H 477 (Ch. 326) ..... 319, 399, 408, 416, 424.
Headlights/Windshield Wiper Simultaneous Operation
H 445 (tabled) ..... 460, 561, 576.
Hit-and-Run Accident Requirements
H 806 (Ch. 912) ..... 851, 883, 889, 899.
Injury by Vehicle Misdemeanor
S 339 (unf rpt) ..... 265, 758.
Inspection/Auto Dealer Obligation
H 523 (unf rpt) ..... 323, 420.

Motor Vehicles (continued)
Insurance
Insurance Lapse, Renewal
H 123 (reref Appr Com/see S 23-Ch 761)..... 150, 230, 561, 584.
Insurance Surcharge/$200 Minimum Damage
H 632 (Ins Com)..... 591.
Readable Policy Amendments
H 757 (Ch. 393)..... 401, 453, 462, 468.
Surcharge After Conviction/Identical Cards
S 581 (unf rpt)..... 557, 690.
Interstate Speeding Point Limitation
S 535 (Ins Com)..... 459.
Property Damage Monetary Threshold
S 533 (H ppi)..... 459, 481, 491.
H 56 (Ch. 763)..... 690, 702, 711, 718, 751, 778, 785, 789, 801, 827.
License, Operator's
Address Change
S 259 (H 673) (Ch. 521)..... 220, 341, 388, 396, 609.
Color-Coded According to Age
S 177 (Ch. 443)..... 145, 420, 430, 553.
Examiners Register Voters
H 1112 (Ch. 854)..... 858, 871.
Fictitious/Alcohol Law Enforcement Officer
S 298 (Ch. 629)..... 232, 341, 355, 359, 488, 539, 557, 679.
Issuance Barred By Cancellation
H 129 (Ch. 545)..... 112, 488, 546, 558, 626.
Jury List From Licensed Drivers
H 512 (Ch. 197)..... 242, 269, 278, 308.
Jury List Use Restriction
H 1384 (Ch. 754)..... 780, 788, 805, 810.
Learner's Permit/Special ID Address Change
H 487 (W&M/Trans Com)..... 242.
Limited Privilege/Mandatory Suspension
H 119 (Ch. 77)..... 87, 149, 156, 160, 177.
Limited Privilege/Speeding Violation
H 1326 (Ch. 798)..... 717, 787, 805, 822, 841.
Military Dependent Exempt (Nonresident)
H 198 (Ch. 436)..... 103, 399, 416, 456, 536, 548, 553.
Revoked License Infraction Penalties
S 68 (Ch. 51)..... 56, 66, 71, 137.
Suspended Lack of Insurance
H 970 (Ch. 610)..... 478, 636, 652, 663, 672.
Suspension/Various Changes
H 605 (Ch. 538)..... 389, 589, 607, 617, 627.
License Plate
Civil Air Patrol/Fee Eliminated
S 629 (H 1203) (reref Fin Com)..... 622, 702.
Colored Covers Prohibited
H 974 (reref J III/Law Enf C&J Com)..... 473, 650, 663.
Consular/Diplomatic to Accredited Personnel
S 306 (Ch. 317)..... 246, 341, 350, 409.

Motor Vehicles (continued)
License Plate (continued)
Permanent Tags for Agency Vehicles
H 137 (Ch. 593) ..... 465, 636, 643, 653, 664.
Personal License/Funds Use
H 726 (Ch. 848) ..... 857, 871.
Personalized Commercial Registration
H 285 (Ch. 253) ..... 287, 341, 350, 356.
Street Rod (Pre-1949 Auto)
H 444 (Ch. 323) ..... 354, 399, 408, 416, 424.
Mobile Homes
Housing Code Regulate
H 270 (Ch. 401) ..... 227, 459, 467, 476.
License Exemption/Vehicle Dealer
S 58 (Ch. 312) ..... 51, 341, 355, 409.
Motorcycle
Helmet Usage Voluntary
S 444 (Rules Com) ..... 348.
Muffler Requirement Changed
H 200 (Ch. 132) ..... 158, 219, 228, 233.
Odometer Fraud Made Felony
H 1118 (W&M/Transp Com) ..... 592.
Parking—Handicapped/Disabled Veteran
S 96 (H reref Appr E Com) ..... 70, 139, 151.
Parking Violation of Leased Vehicle
H 1374 (Ch. 753) ..... 780, 788, 805, 810.
Railroad-Stop Alternative Marking
H 342 (Ch. 254) ..... 287, 341, 350, 356.
Rear Light Colors, Vehicle
H 197 (Ch. 245) ..... 109, 280, 300, 345.
Registration
Registration Services
H 128 (Ch. 50) ..... 78, 107, 114, 117, 137.
Title Certificate Information
H 196 (Ch. 252) ..... 100, 341, 350, 356.
Tow Dollies Exemption
H 209 (Ch. 288) ..... 119, 186, 195, 341, 350, 356, 384.
Trailer Converter Exemption
H 1266 (Ch. 732) ..... 717, 777, 793, 794.
Safe Roads Act
Amendment (Ch. 435)
H 1392 (Spec W&M Com) ..... 815.
Safe Roads Act
S 1 (H 1) (Ch. 435) ..... 24, 83, 90, 139, 147, 150, 162, 226, 245, 501, 542, 548.
School Bus
Stopping Requirements—1
H 683 (Ch. 779) ..... 305, 420, 431, 435, 455, 462, 610, 754, 821, 825, 841.
Stopping Requirements—2
H 869 (reref Spec Com) ..... 378, 420, 432, 434.
School Crosswalk Violation Penalty
H 282 (Spec W&M Com) ..... 684.

Motor Vehicles (continued)
Seizure For I.D. Tampering
H 122 (Ch. 592) ..... 551, 635, 643, 653, 664.
Size Limitation/Vehicles on Federal Highways
S 203 (reref W&M/Transp Com)..... 169, 181.
Size Limits Conformity
S 210 (H 480) (reref W&M/Trans Com) ..... 173, 178.
Speed Limit in Towns
H 167 (Ch. 131) ..... 165, 219, 228, 233.
Speed Limit Signs Within City Limits
S 502 (J I Com) ..... 421.
Street Rod—see under this heading License Plate
Tax on Retail Sales
S 450 (Fin Com)..... 353.
Title Reflect Odometer Disclosure on Transfer
H 199 (Ch. 387) ..... 155, 399, 416, 468.
Traffic Control Officers
H 116 (Ch. 483) ..... 96, 182, 189, 212, 228, 362, 386, 396, 416, 430, 461, 467, 586.
Trucks
Federal Tax Payment Proof Requirement
S 208 (reref W&M/Trans Com)..... 173, 178.
H 482 (Ch. 190) ..... 204, 280, 289, 293.
Property Hauling Licensing Rate
H 111 (Ch. 43) ..... 86, 99, 106, 110, 114.
Tandem Trailer Use Limited
H 1090 (Ch. 898) ..... 791, 812, 836, 886.
Transporter Registration Plates
H 565 (Ch. 426) ..... 267, 399, 416, 453, 462, 548.
Weight Conform to Federal Bridge Formula
S 209 (H 481) (Ch. 724) ..... 173, 178, 589, 606, 616, 694, 702, 707, 747, 761, 771, 783.
Underinsured Motorist Coverage
H 60 (Ch. 777) ..... 557, 800, 823, 840.
Vehicle Lien Sale Notice
H 120 (Ch. 44) ..... 86, 106, 110, 114.
Windshield/Windows Obscured—1
S 102 (H Hiway Saf Com) ..... 78, 650, 669.
Motorboats—see Natural and Economic Resources
Motorcycle—see Motor Vehicles (Motorcycle)
Municipalities—see Local Government (Cities and Towns)
Murder—see Criminal Law (Felony)
Museum—see Appropriations (Museum)

—N—

NCSU/Chapel Hill Basketball Teams—see Resolutions, Joint
Narcotics Investigative Crime Commission—see Studies
Nash County—District 10—Senator Dallas L. Alford, Jr.
District 11—Senator James D. Speed
Industrial Development Funds Increased
S 369 (Ch. 339)..... 286, 327, 336, 445.

Nash County (continued)
Rocky Mount
Firemen Supplemental Retirement
H 97 (Ch. 498) ..... 543, 572, 584, 594.
Zoning Regulation
H 441 (Ch. 122) ..... 200, 209, 218, 223.
National Guard—see Military
Natural and Economic Resources—see also Individual County
Agricultural/Forestry/Seafood Study
S 624 (Rules Com) ..... 614.
H 1169 (Ch. 915) ..... 892, 899.
Bird Sanctuary Established—Cape Colony
H 390 (Ch. 167) ..... 179, 219, 228, 250, 272.
Boats
Blue Light Stopping Requirement—Certain Counties
H 670 (Ch. 356) ..... 382, 428, 441, 450.
Life Preserver Requirements/All Vessels
H 375 (Ch. 200) ..... 255, 297, 306, 316.
Motorboat Registration Transfer
H 362 (Ch. 194) ..... 174, 219, 273, 292, 300, 308.
Noise Limits—Certain Counties
H 724 (Ch. 787) ..... 701, 777, 792, 841.
Sailboat Numbering Requirement
S 420 (Ch. 446) ..... 329, 362, 372, 437, 487, 544, 553.
Boat Ramp Funds
Cedar Island/Carteret County
S 417 (Appr Com/see S 313-Ch 923) ..... 322.
Tater Hole
S 687 (Appr Com/see S 313-Ch 923) ..... 814.
West Onslow Beach
S 305 (Appr Com/see S 313-Ch 923) ..... 246.
CAMA (Coastal Area Management Act)
Civil Penalties Increased
H 222 (Ch. 485) ..... 282, 562, 575, 587.
Clarifying Amendments
S 266 (Ch. 518) ..... 224, 458, 466, 594.
Development Prohibited Before Hearing—1
H 228 (Ch. 400) ..... 305, 340, 459, 467, 476.
Development Prohibited Before Hearing—2
S 265 (St Gov Com) ..... 224.
Development by Local Government Permits
S 267 (St Gov Com) ..... 224.
H 226 (Ch. 399) ..... 312, 458, 467, 475.
Emergency Permits Allowed
H 231 (Ch. 173) ..... 188, 245, 257, 271, 279.
Income Tax Credit/Land Donations
H 230 (Ch. 793) ..... 574, 799, 823, 840.
Permit Consideration Time Decreased
H 229 (Ch. 172) ..... 187, 245, 257, 271, 279.
Permit Fee Increased
H 223 (Ch. 307) ..... 287, 333, 388, 397, 402, 409.
Permit Rules General—1
H 221 (Ch. 171) ..... 187, 245, 257, 271, 279.

Natural and Economic Resources (continued)
CAMA (Coastal Area Management Act) (continued)
Permit Rules General—2
H 979 (Ch. 442) ..... 390, 488, 545, 554.
Coastal Area
Beach Access in Land Acquisition
H 784 (Ch. 334) ..... 324, 419, 432, 446.
Coastal Resources Advisory Council Membership
H 225 (Ch. 249) ..... 232, 333, 344, 351.
Coastal Resources Commission Composition
S 284 (reref Appr Com) ..... 226, 230, 611.
Coastal Resources Commission Nominations
H 224 (Ch. 486) ..... 270, 562, 576, 587.
Permit Application Appeal/Burden of proof
S 61 (reref Appr Com) ..... 53, 62, 66, 68, 87, 93.
Submerged Land Claim Lawyer Funds
S 617 (H 1298) (Appr Com/see S 23-Ch 761) ..... 604.
Water/Dune Law Repeals
S 246 (Ch. 222) ..... 214, 245, 256, 324.
Dredge-Fill Permit Procedures
S 271 (Ch. 258) ..... 224, 252, 273, 300, 356.
Fisheries
Bass Netting/Tar River
H 1140 (Ch. 555) ..... 552, 563, 578, 594, 634.
Seafood License Increase/Tax Repeal
S 357 (Ch. 570) ..... 281, 333, 388, 396, 629, 637, 645.
Shellfish Growing Waters, Temporary
S 308 (Ch. 652) ..... 246, 393, 407, 415, 676, 685, 694, 705.
Shellfish Cultivation Lease Provisions
S 579 (Ch. 621) ..... 550, 612, 624, 672.
Shellfish Lease Fees Revised
S 356 (Ch. 601) ..... 281, 303, 388, 396, 671.
Flood Control-Recreation Projects/Local Governments
S 268 (Ch. 450) ..... 224, 252, 273, 292, 553.
Forestry
Conservation Tillage Equipment Tax Credit
H 541 (Reref Fin Com) ..... 701, 749, 777.
Forester Registration Board Terms
H 257 (Ch. 103) ..... 112, 186, 196, 202.
Gasohol from Waste Products Tax Exemption
S 666 (Ch. 760) ..... 761, 767, 809.
Law Enforcement Revisions
S 194 (Ch. 327) ..... 165, 302, 313, 331, 335, 406, 415, 424.
National Forest Service Land/Sale Opposed
S 215 (Res. 29) ..... 186, 212, 222, 594.
Randolph County Forest Headquarters Building
S 616 (Appr Com) ..... 604.
Hunt/Fish/Boat Offense Court Waiver
H 1214 (Ch. 586) ..... 574, 629, 638, 645, 655.
Hunt/Fish License Fee Increased
S 202 (Ch. 140) ..... 169, 172, 185, 194, 243.

Natural and Economic Resources (continued)
Marine Fisheries
Proclamation Review Emergency Meetings
S 511 (Ch. 619)..... 422, 487, 545, 671.
Regulatory Change
S 245 (Ch. 221)..... 214, 245, 256, 324.
Reopening Areas Closed By Pollution
S 525 (Ch. 620)..... 436, 487, 545, 671.
Pollution Control
Abatement Device Property Tax Exemption
H 502 (Ch. 643)..... 565, 675, 686, 696, 705.
Environmental Management Procedures
S 269 (Ch. 296)..... 224, 252, 302, 331, 387.
Pollution Prevention PAYS Study—LRC
S 653 (Res. 54)..... 700, 709, 894, 901.
Seafood Industrial Park Authority/Bond Issues
H 193 (Ch. 577)..... 378, 602, 616, 642, 655.
Special Conservation Officers Power
H 194 (Ch. 484)..... 329, 487, 546, 586.
Wildlife
Arrest Power of Protector
S 147 (H reref Appr E Com)..... 102, 487, 675, 685.
Bird Hunting Season, Adjust Federal
S 468 (Res. 32)..... 377, 428, 438, 633.
Deer Spotlighting Limited
S 28 (N&ER&Wildlife Com)..... 35.
H 68 (Ch. 137)..... 67, 192, 205, 233.
Equipment Sales Tax to Wildlife Resources Fund
S 539 (Appr Com)..... 471.
Hunting Big Game With Handguns
H 994 (Ch. 492)..... 429, 563, 577, 587.
Hunting Exotic Species Prohibited
H 1198 (Ch. 615)..... 630, 647, 663, 672.
Hunting/Fishing Without License
H 385 (Spec W&M Com)..... 710.
Hunting With Bait Prohibited
H 155 (N&ER&Wildlife Com)..... 170.
Hunts on Game Lands Management/Fees
H 363 (Ch. 403)..... 174, 363, 427, 439, 448, 476.
Lights Prohibited Taking Depredating Deer
H 1213 (reref J III/Law Enf C&J Com)..... 630, 693.
Tax Refund/Endangered Species
S 146 (Ch. 865)..... 102, 105, 192, 212, 846, 880.
Wild Cat Permits
H 364 (N&ER/Wildlife Com)..... 170.
Natural Gas—see Energy (Utilities)
Navigation
Cape Fear Pilotage Commission Changes
H 1451 (Sp W&M Com)..... 832.
Neuse River Basin—see Studies (Legislative)
New Hanover County—District 7—Senator J. A. Wright
Ambulance Lien
H 348 (Ch. 186)..... 204, 269, 277, 283, 293.

New Hanover County (continued)
Bondsmen Regulations/Law Library Established
H 864 (Ch. 742) ..... 349, 413, 443, 666, 686, 810.
Commissioners
Board Elected From District
S 124 (Loc Gov Com) ..... 91.
H 291 (Ch. 595) ..... 323, 603, 625, 664.
Vacancies
H 858 (Ch. 418) ..... 349, 483, 492, 541.
Refuse Steam Generating
H 854 (Ch. 365) ..... 382, 413, 443, 451.
Retirement Plan Ending
H 347 (Ch. 550) ..... 591, 612, 625, 634.
Road Closing Procedures
H 357 (Ch. 114) ..... 155, 208, 217, 222.
Road Name/Street Number Assignment—1
H 358 (recom Loc Gov Com) ..... 159, 208, 217.
Road Name/Street Number Assignment—2
H 359 (Ch. 98) ..... 159, 183, 190, 197.
School Vote Study Urged
H 602 (Loc Gov Com) ..... 605.
Teacher Payday
H 592 (Ch. 573) ..... 371, 629, 638, 645.
Wilmington
Charter Amendments
H 588 (Ch. 535) ..... 544, 603, 617, 626.
City Council Elected From Districts
S 125 (Loc Gov Com) ..... 92.
H 292 (Ch. 597) ..... 323, 603, 625, 664.
Contracts With Agencies
S 261 (Ch. 430) ..... 220, 269, 275, 548.
Firemen's Benefit Fund
H 587 (Ch. 505) ..... 552, 572, 585, 595.
Firemen's Pension Change
H 1471 (Ch. 906) ..... 885, 887.
Firemen's Pension Fund
H 586 (Ch. 504) ..... 551, 572, 585, 595.
Historic District Rules
S 290 (Ch. 432) ..... 231, 269, 276, 548.
International City Designation
S 260 (H ppi) ..... 220, 303, 313.
H 589 (Res. 20) ..... 382, 428, 441, 449.
Ordinance Procedures
H 863 (Ch. 367) ..... 349, 413, 443, 451.
Police Pension Fund
H 603 (Ch. 552) ..... 557, 612, 625, 634.
Special Use District
H 862 (Ch. 366) ..... 349, 413, 443, 451.
Treasurer Reference
H 590 (Ch. 347) ..... 378, 412, 441, 449.
Vehicles for Hire
H 591 (Ch. 348) ..... 378, 412, 441, 449.

New Technology Jobs Act—see Commerce
Newspaper—see Taxation (Sales and Use)
Nichols, Lee Burris—Honored (Former Senator)
S 586 (Res. 36) ..... 564, 613, 624, 679.
Non-Profit Corporations—see Corporations
Northampton County—District 2—Senator J. J. Harrington
Jackson Charter Revised
S 310 (Ch. 286) ..... 247, 269, 276, 283, 384.
Notaries
Course Required/Initial Appointment
S 49 (Ch. 427) ..... 48, 91, 97, 323, 488, 539, 548.
Notarial Jurat as Acknowledgement
H 293 (Ch. 391) ..... 354, 454, 461, 468.
Validation of Acts
H 94 (unf rpt) ..... 67, 87.
Validation of Acts
H 561 (Ch. 205) ..... 255, 297, 307, 316.
Notice of Sale Posted
H 1330 (Ch. 799) ..... 771, 811, 837, 841.
Nuclear—see Energy
Nurses—see Medicine
Nursing Home—see Medicine

—O—

Oaths
Administered By:
James C. Green, Lieutenant Governor ..... 9.
Judge Willis P. Whichard ..... 9.
Judge Cecil J. Hill ..... 9.
Associate Justice William J. Copeland ..... 9.
Chief Justice Joseph Branch ..... 7.
Clerks Administer Oaths
H 1227 (Ch. 648) ..... 641, 658, 671, 706.
Public Hearing Witness by Oath
H 1287 (Spec W&M Com) ..... 676.
Obscenity—see Criminal Law
Occupational Therapy—see Medicine
Odometer—see Motor Vehicle
Oil—see Energy
Onslow County—District 4—Senator A. D. Guy
Boat Ramp Funds/West Onslow Beach
S 305 (Appr Com/see S 313-Ch 923) ..... 246.
Fox Hunting Law
S 122 (H ppi) ..... 91, 108, 113.
H 296 (Ch. 109) ..... 119, 192, 202, 206.
Hospitals Collections—2
H 1087 (unf rpt) ..... 479, 560, 649.
Open-Ended Loans—see Interest
Open Meetings
Revision/"Government-in-Sunshine"
S 368 (unf rpt) ..... 286, 621.

Optician—see Medicine
Optometry—see Medicine
Orange County—District 13—Senator Kenneth C. Royall, Jr.
Senator William G. Hancock, Jr.
District 16—Senator Wanda Hunt
Senator Russell Walker
Absentee Voting Office
H 55 (Ch. 192) ..... 119, 274, 292, 301.
Carrboro Charter Amendments
H 776 (Ch. 730) .....574, 603, 617, 633, 662, 683, 703, 711, 793.
Chapel Hill/Carrboro
School Pay Day
H 125 (Ch. 112) ..... 174, 208, 216, 222.
Hillsborough Multiple Precincts
H 316 (Ch. 93) ..... 155, 183, 190, 197.
Land Parcel Identifier Index
H 23 (Ch. 3) .....46, 49.
Sheltered Workshop Funds
S 683 (Appr Com/see S 313-Ch 923) ..... 814.
OSHA—see Labor
Outdoor Drama—see Appropriations
Oysters—see Natural and Economic Resources (Wildlife)

—P—

Pages, Senate—see General Assembly
Pamlico County—District 3—Senator Joseph E. Thomas
Bear Hunting with Dogs
S 432 (Ch. 448)..... 342, 419, 430, 553.
Municipalities, Concerning
S 378 (Loc Gov Com) ..... 290.
Parade—see Criminal Law
Parcel Identifier Index—see Deeds (Register)
Parents—see Aged; Child Welfare; Judicial; Taxation.
Parental Rights—see Judicial Department
Parking—see also Handicapped
Facility Revenue Bonds
S 182 (Ch. 168).....161, 185, 194, 201, 210, 271.
Parks—see Appropriations (Parks)
Parnell, David R. —Senator Hoke and **Robeson—30th District**
Absent With Leave.....55, 58, 163, 172, 296, 302, 309, 463, 469, 665.
Adjournment Motion..... 54, 223, 384, 698.
Certificate of Election..... 6.
Committees: Assignments.....14, 16, 17, 20, 21, 22, 23, 47.
Standing—
Appropriations/General Government (Chairman)
State Government/Election Laws (Vice-Chairman)
Appropriations—Base Budget—Finance—Human Resources—Insurance—State Government—Ways and Means—Ways and Means/Transportation
Oath of Office..... 7.

Parnell, David R.—Senator (continued)
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 217, 218, 255, 351, 352, 389, 391, 512, 557, 652.
Co-Sponsor .....1, 36, 37, 44, 69, 71, 108, 111, 114, 129, 130, 136, 154, 177, 207, 215, 259, 295, 373, 374, 393, 412, 429, 430, 451, 471, 484, 513, 537, 538, 539, 564, 570, 589, 593, 596, 623, 631, 644, 650, 653.
Parole—see Prisons
Partition—see Real Estate
Pasquotank County—District 1—Senator Melvin R. Daniels, Jr.
Automobile Tax Increased
H 190 (Ch. 106) .....88, 143, 166, 176, 180, 206.
Elizabeth City Assessment Valid
H 378 (Ch. 187) .....179, 270, 277, 284, 293.
Impounded Cat and Dog Sale
H 314 (Ch. 166) .....150, 219, 228, 249, 272.
Pawn Brokers—see Jackson/Pitt Counties
Pay Raise, Teacher/State Employee—see Appropriations (Budget)
Payroll Deduction—see State Personnel
PCB—see Public Health (Hazardous Waste)
Penalty—see Criminal Law
Pender County—District 5—Senator Harold W. Hardison
District 7—Senator J. A. Wright
Teacher Local Oath of Allegiance Prohibited
S 359 (reref Ed Com) .....281, 358.
Pensions—see Retirement
Perjury—see Criminal Law
Perinatal—see Public Health
Perpetuities—see Estates
Perquimans County—District 1—Senator Melvin R. Daniels, Jr.
Automobile Tax Increased
H 190 (Ch. 106) .....88, 143, 166, 176, 180, 206.
Hertford ABC Profits
H 880 (Ch. 371) ..... 365, 414, 443, 451.
Newbold White/David Newby Houses Funds
S 112 (Appr Com/see S 313-Ch 923) ..... 81.
Road Hunting Limited
H 572 (Ch. 213) ..... 275, 303, 315, 321.
Person County—District 13—Senator William G. Hancock, Jr.
Senator Kenneth C. Royall, Jr.
Airport Condemnation
H 1433 (Ch. 829) .....779, 828, 843, 852, 860.
Community Development Funds
H 1388 (Ch. 734) ..... 718, 778, 793, 794.
Community Development Funds Use
H 1288 (Ch. 566) .....631, 639.
Sheriff Deputy Program
H 530 (Ch. 344) ..... 378, 411, 440, 449.
Personnel—see State Personnel; Employment Security
Pesticides—see Agriculture; Pollution Control
Petroleum—see Energy
Pharmacy—see Medicine

Physical Therapy—see Medicine
Physicians—see Medicine
Pilot Law—see Navigation
Pitt County—District 9—Senator Vernon E. White
Ayden Historical Painting Display Funds
S 296 (H 741) (Appr Com/see S 313-Ch. 923) ..... 231.
Ayden Limits Extended
H 317 (Ch. 105) ..... 159, 183, 190, 196, 202.
Community College Nursing Program Building Funds
S 668 (H 1462) (Appr Com) ..... 770.
Greenville
Cemetery Fund Repealed
H 531 (Ch. 232) ..... 261, 328, 338, 345.
Utilities Commission Pay
H 138 (Loc Gov Com) ..... 70.
Grifton Historical Painting Display Funds
S 297 (H 728) (Appr Com/see S 313-Ch. 923) ..... 231.
Pawnbrokers Permitted
S 405 (Ch. 382) ..... 312, 328, 337, 447, 455, 463.
Tar River Port Commission Abolished
H 553 (Ch. 233) ..... 288, 328, 338, 345.
Pleasants, Gerda—Sergeant-at-Arms—Election/Oath ..... 9.
Plumbing—see Contractors
Plyler, Aaron W.—Senator Anson, Montgomery, Richmond, Scotland, Stanly, **Union—17th District**
Absent With Leave ..... 27, 38, 40, 55, 58, 85, 87, 177, 181, 296, 302, 325, 381, 387, 398, 446, 452, 775, 784.
Adjournment Motion ..... 117, 137, 356, 469.
Certificate of Election ..... 6.
Committees: Assignments ..... 14, 16, 17, 19, 22, 47, 656.
Standing—
Pensions and Retirement (Chairman)
Ways and Means/Small Business (Vice-Chairman)
Agriculture—Appropriations—Appropriations/Justice and Public Safety—Base Budget—Finance—Human Resources—Ways and Means
Select—
Special Ways and Means
Conference—
HB 775 ..... 891.
Oath of Office ..... 7.
Recorded Present ..... 418, 784.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 92, 107, 201, 234, 243, 244, 259, 293, 294, 385, 412, 424, 488, 531, 532, 541, 576, 667, 676, 684, 685.
Co-Sponsor ..... 1, 36, 37, 44, 64, 69, 84, 95, 108, 111, 114, 121, 127, 129, 136, 144, 171, 206, 215, 237, 253, 262, 323, 329, 331, 374, 392, 393, 404, 413, 414, 415, 471, 472, 476, 484, 513, 515, 537, 552, 570, 589, 595, 596, 609, 623, 631, 643, 650, 651, 653.
Podiatry—see Medicine
Poison Control Center—see Appropriations
Police—see Law Enforcement

Political Action Committees—see Elections
Political Party—see Elections
Polk County—District 29—Senator Charles W. Hipps
Senator R. P. Thomas
Lynn Incorporation
H 1132 (Ch. 600) ..... 605, 640, 654, 664.
Lynn Incorporation Election Date
H 1409 (Ch. 744-see H 1132-Ch 600) ..... 750, 760, 774, 810.
Pollution Control—see Natural and Economic Resources
Poole, Julian Hawley—Honored
Former Member of General Assembly
H 1411 (Res. 46) ..... 779, 793.
Ports—see Commerce
Poultry—see Agriculture
Power of Attorney—see Probate
Practicing Counselor State Board of Examiners—see Medicine
Precious Metals Sales—see Commerce
Presidential Elections—see Elections
Presumptive Sentencing—see Criminal Law (Fair Sentencing Act)
Primary—see Elections
Prison
Assault/Threat Commission Member Made Felony
S 660 (Sp W&M Com) ..... 760.
Boards and Commission Changes/Correction Department
H 604 (Ch. 709) ..... 323, 748, 763, 774.
Child Born to Prisoner Custody Procedures
S 237 (unf rpt) ..... 204, 759.
Community Penalty in Lieu of Prison
H 830 (Ch. 909) ..... 884, 888, 890, 892.
Conduct Credit Toward Sentence
S 404 (Ch. 560) ..... 311, 418, 437, 633.
Contraband Confiscation/Disposition
H 472 (Ch. 289) ..... 232, 340, 350, 356, 360, 384.
Detention Facility, Gaston County
S 486 (Appr Com) ..... 400.
Escape Classified Felony
S 235 (Ch. 465) ..... 203, 340, 349, 359, 365, 567.
Escape/Felony Classifications
H 817 (Ch. 455) ..... 390, 482, 491, 559.
Federal Prisoners in County Jail
H 400 (Ch. 219) ..... 174, 245, 257, 258, 262, 271, 280, 289, 320.
Jail Confinement Laws Recodified
H 37 (Ch. 631) ..... 543, 640, 653, 687.
Laundry Service Expanded
H 452 (unfav report) ..... 200, 795.
Medical Contractors' Defense
S 338 (H ppi) ..... 265, 602, 616.
Mental Patients Identified
H 920 (Ch. 491) ..... 478, 562, 577, 587.
Mentally Retarded Programs
H 719 (Ch. 376) ..... 288, 302, 419, 442, 450.

Prison (continued)
Parole/Probation
Conditions—Technical Amendments
H 1367 (Ch. 712) ..... 717, 749, 764, 775.
Intensive Probation Program Established
H 833 (Ch. 682) ..... 355, 683, 696, 720.
Notification to District Attorney by Parole Commission
H 1272 (Spec W&M Com) ..... 717.
Parole Commission Fund Raising
S 163 (Rules Com) ..... 116.
Parole Early Due to Overcrowding
H 832 (Ch. 557) ..... 407, 602, 618, 626, 634.
Parole Procedures Amended
H 839 (J III/Law Enf C&J Com) ..... 591.
Parole Supervision Fee Required
H 471 (Ch. 562) ..... 401, 580, 593, 607, 639.
Probation Revocation Procedure
H 774 (Ch. 536) ..... 552, 602, 617, 627.
Pre-release Center Funds—Robeson County
S 557 (Appr Com/see S 313-Ch 923) ..... 490.
Rulemaking Procedures/Correction Department
H 195 (Ch. 147) ..... 100, 241, 249, 258.
Segregation by Age Study—LRC
S 591 (Rules Com) ..... 573.
Transfers Public Notice (Interstate)
S 495 (Ch. 874) ..... 406, 537, 553, 566, 847, 880.
Transfers of Prisoners Within State
H 152 (Ch. 165) ..... 112, 241, 249, 271.
Youthful Offender Law Expanded
H 838 (Ch. 531) ..... 401, 556, 566, 569, 620.
Private Police—see Law Enforcement
Private Religious Schools—see Churches; Education
Privilege License—see Taxation
Probate
Powers of Attorney Revision
H 434 (Ch. 626) ..... 630, 658, 670, 679.
Probation—see Prison
Property—see Married Persons; Real Estate
Property Tax—see Taxation
Prostitution—see Criminal Law
Psychologists—see Medicine
Public Accountants
Public Accountants Amendments
H 151 (Ch. 185) ..... 103, 182, 244, 257, 262, 293.
Public Education—see Education
Public Education Policy Council—see Education
Public Health
Animal Disposition Study
H 1309 (reref Appr Com/see H 1142-Ch. 905) ..... 701, 760.
Bed and Breakfast Establishments
H 1191 (Ch. 884) ..... 641, 757, 782, 817, 831, 833, 839, 881.
Corneal Tissue Removal
S 470 (H Health Com) ..... 377, 482, 490, 574.

Public Health (continued)
Cremation Provision in Will
H 450 (recom J I Com)..... 354, 427, 440, 448.
Dogs Allowed in Hotel
S 580 (H 1212) (N&ER&Wildlife Com)..... 556.
Drainage Programs/City Tax
H 1420 (Ch. 828) .....800, 808, 828, 844, 853, 860.
Facility Laws Study—LRC
S 656 (reref Appr Com/see H 1142-Ch 905).....710, 748.
Hazardous Waste
Disposal Site Inactive Hazardous Substance
H 1383 (Spec W&M Com) ..... 791.
Hazardous Waste Study Commission Created
S 701 (Ch. 926)..... 870, 894, 901, 907.
Insurance Rules and Regulations
H 554 (Ch. 546) ..... 233, 570, 584, 626.
Landfill Limited
H 991 (Spec W&M Com) ..... 832.
Landfill/PCB—1
H 79 (Ch. 605) ..... 622, 647, 661, 672.
Landfill Prohibitions—2
H 559 (Conf Com) .....561, 851, 853, 860, 868, 908.
Site Study/Department of Human Resources
S 689 (H Rules Com) ..... 807.
Strict Liability
H 738 (Spec W&M Com) ..... 797.
Warren County Assistance Funds
H 745 (Ch. 849) .....857, 871.
Hospice Licensure Act
H 370 (Hum Res Com)..... 348.
Perinatal Program Funds
S 370 (Ch. 868).....286, 846, 880.
Personal Property Disposal Procedures
S 150 (Ch. 130)..... 103, 149, 166, 229.
Public Health Law Revision
S 141 (H 318) (Ch. 891) .....100, 542, 580, 592, 606, 761, 767, 788, 808, 862, 868, 880.
Public Health Law Violation Penalties
H 374 (unf rpt).....170, 874.
Regulated by Insurance Commissioner/HMO
S 50 (Ch. 386).....48, 62, 78, 88, 414, 453, 460, 468.
Sanitary District
Assessments for Water/Sewer Projects
S 662 (Ch. 925).....761, 811, 822, 829, 901, 907.
Commercial Wastewater Firms Use
H 787 (Ch. 489) ..... 544, 563, 576, 587.
Lawsuit Power
S 148 (H 306) (Ch. 55) ..... 102, 105, 110, 153.
Powers Uniform, State-wide
H 890 (Ch. 608) .....407, 640, 653, 662, 672.
Vote Registration
H 694 (Ch. 537) ..... 283, 604, 617, 627.

Public Health (continued)
Waste
Energy Development Authority Established
S 308 (Ch. 652).....246, 393, 407, 415, 676, 685, 694, 705.
Solid Waste Plan Control by DHR
H 322 (Ch. 795) ..... 749, 767, 799, 802, 816, 817, 840.
Waste Management Board Membership
H 1318 (Ch. 859) ..... 762, 768, 850, 882.
Water
Community System Tanks/Boiler Regulation Exemption
S 599 (Ch. 654).....581, 613, 624, 684, 695, 705.
Contamination of System Made Felony
H 943 (Ch. 507) .....478, 563, 577, 585, 595.
Water Resources (NC/VA) Study—LRC
H 1404 (reref Appr Com/see H 1142-Ch. 905).....718, 768.
Water/Sewer
Condemnation Powers Clarification
S 663 (H 1414) (Ch. 735) ..... 749, 762, 772, 794.
Metropolitan Sewerage Districts
H 649 (Ch. 333) ..... 292, 419, 431, 445.
Sewage Control Ordinances
H 1189 (Ch. 820/see also H 1119).....771, 835, 836, 845, 855.
Water and Sewer Employee Defense
H 345 (Ch. 525) ..... 371, 570, 607, 619.
Watershed
County Special Assessments
S 252 (Ch. 321).....214, 244, 256, 262, 275, 417.
Public Holiday—see Holiday
Public Housing—see Housing
Public Markets—see Agriculture
Public Officials
Public Officials Self-Dealing
H 1062 (Ch. 544) .....490, 571, 608, 619, 627.
Public Record—see Records, Public
Public Schools—see Education
Public Utilities—see Utilities
Public Worker Deferred Compensation—see State Personnel
Publications
Colleges Receive State Publications
H 34 (Ch. 842) .....856, 870.
Constitution Proposed Amendments Published
H 451 (Ch. 844) .....857, 870.
Cost Published/Mailing List Update Requirements
S 229 (Ch. 866).....194, 388, 401, 856, 880.
Purchase and Contract
Public Purchase for Private Benefit
H 1036 (Ch. 409) .....454, 464, 475, 480, 485.
Purchase Registry Required
H 1177 (Ch. 839) ..... 615, 692, 850, 871.

—R—

Radiation—see Energy (Atomic)

Radio Emergency Association of Citizens Teams—see Taxation (Income)
Radioactive Waste Management Company—see Energy (Nuclear)
Raffle—see Criminal Law (Gambling)
Railroad—see Transportation; Utilities
Rand, Anthony E. —Senator **Cumberland** (part)—**12th District**
Absent With Leave ..... 115, 279, 285, 309, 317, 351, 456.
Adjournment Motion ..... 909.
Certificate of Election ..... 6.
Committees: Assignments ..... 14, 17, 18, 20, 21, 47, 218, 656.
Standing—
Judiciary III/Law Enforcement and Criminal Justice (Chairman)
Judiciary III (Vice Chairman)
Appropriations—Appropriations/Justice and Public Safety—Base Budget—Insurance—Local Government and Regional Affairs—Manufacturing, Labor and Commerce—State Government—State Government/Veterans and Military Affairs
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003
Special Ways and Means
Conference—
SB 1 ..... 227, 501.
SB 165 ..... 872, 895.
HB 56 ..... 778, 785.
HB 198 ..... 475, 536.
HB 255 ..... 813.
HB 683 ..... 754, 822.
HB 775 ..... 897.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 71, 152, 167, 315, 316, 317, 318, 319, 320, 321, 327, 376, 404, 513, 529, 554, 578, 650.
Co-Sponsor ..... 29, 36, 38, 39, 64, 68, 69, 70, 79, 99, 108, 111, 117, 121, 127, 129, 130, 131, 132, 136, 144, 145, 157, 161, 177, 179, 181, 188, 206, 215, 237, 279, 329, 331, 332, 336, 340, 341, 374, 392, 393, 406, 412, 413, 429, 430, 438, 458, 479, 514, 515, 516, 517, 532, 537, 567, 570, 589, 591, 593, 605, 607, 609, 643, 651, 653.
Randolph County—District 16—Senator Wanda Hunt
Senator Russell Walker
Rape—see Criminal Law
Rate Bureau—see Insurance
Rauch, Marshall A.—Senator Cleveland, **Gaston**, Lincoln, Rutherford—**25th District**
Absent With Leave ..... 25, 27, 28, 36, 45, 46, 49, 58, 60, 69, 72, 83, 85, 87, 99, 102, 115, 157, 172, 198, 203, 206, 264, 285, 289, 296, 317, 346, 360, 368, 376, 381, 385, 542, 665.
Adjournment Motion ..... 25, 793.
Certificate of Election ..... 6.
Committee: Assignments ..... 16, 19, 20, 22, 28, 138.
Standing—
Ethics (Chairman)

Rauch, Marshall A.—Senator (continued)
Committees (continued)
Standing (continued)
Finance (Co-Chairman)
Rules and Operation of the Senate (Vice-Chairman)
Higher Education—Manufacturing, Labor and Commerce—Pensions and Retirement—Public Utilities and Energy—State Government—Ways and Means—Ways and Means/Small Business
Conference—
SB 141 ..... 767, 863.
HB 255 ..... 681.
HB 278 ..... 646, 725.
HB 426 ..... 838, 868.
HB 559 ..... 869.
HB 810 ..... 885.
Escorts Governor ..... 39.
Nomination of President Pro Tempore ..... 9, 920.
Oath of Office ..... 7.
Prayer ..... 279.
Reading Clerk, Acting ..... 898.
Recorded Present ..... 80, 296, 332.
Votes Excused: HB 187 ..... 257.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 202, 280, 291, 420, 421, 422, 437, 461, 478, 499, 508, 540, 566, 690.
Co-Sponsor ..... 1, 29, 36, 39, 114, 117, 128, 136, 161, 176, 195, 206, 207, 231 (by request), 254, 323, 350, 374, 393, 406, 413, 429, 430, 438, 458, 471, 477, 479, 486, 513, 515, 537, 538, 539, 551, 562, 564, 570, 589, 593, 596, 623, 631, 651, 653, 666, 692, 694.

Real Estate
Land Survey Recording Revisions
H 663 (Ch. 473) ..... 473, 536, 547, 579.
License Law Revision
H 248 (Ch. 81) ..... 141, 164, 175, 181.
License Revision
H 519 (Ch. 384) ..... 406, 426, 449, 455, 463.
Materials Lien Trusts
S 569 (Ch. 888) ..... 543, 787, 804, 881.
Partition Procedures/Incompetent Spouse
H 433 (J II Com) ..... 630.
Partition Sales Procedure
H 1352 (Spec W&M Com) ..... 842.
Time Sharing Development Regulated
H 785 (Ch. 814) ..... 717, 749, 754, 811, 830, 844, 855.

Records, Public
Criminal Justice Information System/Computerized Records Study
H 935 (Ch. 825) ..... 832, 851, 853, 860.
Doctor/Patient Records Not Public
S 434 (Ch. 471) ..... 342, 453, 461, 568.
Public Health Law Revision
S 141 (H 318) (Ch. 891) ..... 100, 542, 580, 592, 606, 761, 767, 788, 808, 862, 868, 880.

Redman, Jr., William W.—Senator Alexander, Catawba, **Iredell,** Yadkin—**26th District**
Absent With Leave....223, 228, 721.
Adjournment Motion....98.
Certificate of Election....6.
Committee: Assignments....14, 16, 17, 19, 20, 21, 22, 23, 218.
Standing—
Agriculture—Finance—Human Resources—Natural and Economic Resources and Wildlife—State Government—State Government/Veterans and Military Affairs—Ways and Means—Ways and Means/Transportation
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003
Conference—
HB 109....158, 199.
Oath of Office....7.
Votes Excused:
SB 58....355.
HB 248....175.
HB 336....216.
HB 519....449, 455.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor....28, 46, 174, 178, 450.
Co-Sponsor....36, 39, 42, 57, 63, 64, 69, 71, 76, 86, 87, 96, 103, 105, 106, 107, 109, 114, 117, 121, 129, 131, 133, 137, 141, 150, 153, 157, 162, 177, 206, 207, 219, 220, 221, 259, 283, 295, 323, 344, 374, 387, 393, 399, 412, 413, 414, 424, 426, 429, 430, 438, 465, 471, 484, 513, 514, 515, 536, 537, 538, 552, 588, 589, 593, 596, 605, 609, 631, 643, 653, 676.
Endorsement Withdrawn....111, 128.
Register of Deeds—see Deeds
Registered Public Obligations Act—see Local Government (Finance)
Rent—see Landlord and Tenant
Renunciation Provisions—see Estates
Reports to General Assembly
North Carolina 2000 Commission Report....296, 332.
Rescue Squad—see Motor Vehicles (Emergency)
Resolutions, Joint
(Fifteen resolutions commemorating, honoring, and congratulating individuals are alphabetized by the name of the person.)
(Resolutions relative to studies are alphabetized under **Studies.**)
Adjournment/First Session—1983
S 693 (Res. 55)....815, 833, 901, 903, 907, 908, 909.
Administrative Procedure Act Rewrite Started
H 1345 (Res. 51)....669, 759, 774, 776, 796, 805, 887.
Budget Show Local Government Costs
S 149 (H 354) (H reref Appr E Com)....103, 143, 151.
Community College Board Election Date
H 1157 (Res. 23)....472, 480.
Congress Memorialized
Bird Hunting Season Adjustment, Federal
S 468 (Res. 32)....377, 428, 438, 633.

Resolutions, Joint (continued)
Congress Memorialized (continued)
Federal Low-Income Housing Termination Opposed
H 279 (Res. 9) ..... 141, 146, 213, 243, 251.
Federal Tuition Tax Credit Opposed
S 108 (H 241) (Res. 6) ..... 80, 143, 165, 175, 181.
High Frontier Technology Urged
S 174 (Rules Com) ..... 145.
Individual Housing Purchase Tax Deduction Urged
H 280 (Res. 10) ..... 145, 146, 213, 243, 251.
Milk Assessment Repeal Urged
S 178 (Rules Com) ..... 149.
NCSU Basketball Players Honored
S 311 (reref Rules Com) ..... 242, 249.
National Forest Service Land/Sale Opposed
S 215 (Res. 29) ..... 186, 212, 222, 594.
Nuclear Weapons Freeze Urged—1
S 111 (H 240) (tabled) ..... 81, 90, 95, 99, 102, 164, 171.
Oregon Inlet Channel Opening Urged
S 572 (H Rules Com) ..... 550, 613, 624.
H 1211 (Res. 48) ..... 660, 795, 824, 841.
Park Lands and Forests Remain Publicly Owned
H 410 (Res. 15) ..... 215, 303, 314, 321.
Peace Through Strength Strategy Supported
S 128 (H 333) (Rules Com) ..... 92, 95.
Future of North Carolina Commission Report
S 262 (Rules Com) ..... 221.
H 660 (Res. 24) ..... 342, 488, 545, 554.
General Assembly of 1783 Honored
H 934 (Res. 18) ..... 406, 417.
Governor Appoint Elderly
S 15 (H 41) (Res. 11) ..... 33, 77, 81, 279.
Governor Invited to Speak/Organized—1
S 2 (Res. 1) ..... 24, 26, 27, 923.
Governor Invited to Speak—2
H 54 (Res. 2) ..... 37, 38, 40, 41, 930.
Job Training Partnership Funds Use
S 613 (H Rules Com) ..... 590, 767, 781.
Joint Session—Basketball Teams
H 809 (Res. 13) ..... 282, 294.
Joint Session/Utilities Appointees
H 1022 (Res. 22) ..... 390, 428, 444, 451, 493, 494.
Legislative Delegation to England
S 584 (H 1210) (Res. 35) ..... 564, 613, 624, 663.
Mental Health Insurance Encouraged
S 64 (Res. 5) ..... 54, 77, 82, 156.
Mentally Disabled Persons Policy
S 585 (Res. 43) ..... 564, 647, 661, 750, 762, 774.
National Judicial College Welcomed
H 1023 (Res. 25) ..... 447, 488, 545, 554.
Nuclear Submarine Ocean Disposal Discouraged—1
S 211 (Res. 30) ..... 179, 212, 222, 454, 613, 623, 633.

Resolutions, Joint (continued)
Private College License Changes
H 988 (Res. 33/see H 1142-Ch. 905) ..... 407, 601, 618, 645.
Private Roads Between Communities
S 113 (Res. 42) ..... 81, 106, 110, 117, 141, 716, 750, 764.
School Personnel System Revisions
S 397 (H 1053) (reref to Appr Com) ..... 304, 777.
State Board of Education Appointments Confirmed
H 646 (Res. 8) ..... 227, 233, 238.
State Personnel Commission Confirmations
H 1154 (Res. 28) ..... 490, 555, 564, 578, 587, 597.
Teacher Working on Election Day
H 621 (Res. 31) ..... 552, 613, 625, 634.
UNC Governors Election Procedure—2
S 655 (Res. 39) ..... 693, 713, 721.
UNC Governors Selection Procedure
H 1135 (Res. 37) ..... 466, 471, 667, 679, 721, 754, 765.
Unemployment Concern Expressed
S 136 (Res. 12) ..... 96, 143, 151, 266, 270, 279.
Unspent Funds Urged for Schools/Water and Sewer
S 692 (Appr Com) ..... 815.
U.S. Defense Department Drug Watch Urged
S 589 (H Rules Com) ..... 565, 613, 624.
Wilmington—International City
S 260 (H ppi) ..... 220, 303, 313.
H 589 (Res. 20) ..... 382, 428, 441, 449.
Resolutions, Senate (Simple)
Budgetary Process Review—LRC
S 700 (Appr Com) ..... 870.
Legislative Session Limit Study
S 76 (adopted) ..... 61, 918.
Local Bill Deadline April 15
S 241 (adopted/see S 4) ..... 204, 919.
Pensions Committee Study Local Retirement
S 627 (reref Appr Com) ..... 622, 667.
Rules, 1983 Permanent
S 4 (adopted/see S 241) ..... 31, 108, 113, 119, 919.
Senate Chaplain Employment
S 24 (adopted) ..... 34, 53, 57, 918.
Restoration—see Appropriations (Restoration)
Retirement
Age Restriction Removed/State Militia
S 299 (Ch. 314) ..... 232, 303, 331, 336, 409.
Divorce/Equitable Distribution of Pensions
S 537 (H ppi) ..... 459, 682, 691, 699.
H 1129 (Ch. 758) ..... 798, 800, 804, 810.
Equitable Pensions Distribution Date
H 1464 (Ch. 811-see H 1129) ..... 835, 838, 842.
Firemen
Death Benefits Extended
S 87 (H 117) (reref Appr Com/see S 23-Ch. 761) ..... 67, 108.

Retirement (continued)
Firemen (continued)
Fireman's Retirement Fund
S 478 (H Pensions Com).....385, 648, 660.
Rescue Squad Pension Purchase
H 237 (Ch. 500) ..... 551, 572, 584, 594.
Firemen and Rescue Squad Workers Participation (Hoke)
H 72 (Ch. 496) ..... 543, 572, 583, 594.
Insurance Law Technical Amendments
H 61 (Ch. 416) ..... 465, 481, 491, 541.
Judicial Retirement Act
Benefits to Spouse
S 564 (H 1183) (reref Appr Com/see S 23-Ch. 761) .....538, 612.
Tax Shelter/Conform State Law to IRC
S 294 (Ch. 469).....231, 363, 372, 377, 396, 568.
Legislative Retirement System of N.C. Established
S 623 (reref Appr Com/see S 23-Ch. 761).....614, 648.
Law Enforcement Officers Benefits and Retirement
Benefits—28 Years—2
S 688 (Ch. 878).....807, 848, 881.
Definition of Law Enforcement Officer
S 309 (unf rpt) .....246, 759.
Law Enforcement Officer's Pay Increased
S 105 (reref Appr Com) .....78, 192.
Law Officers Death/Accident Benefits Extension
S 106 (H ppi).....78, 192, 201.
Tax Shelter/Conform State Law to IRC
S 293 (Ch. 468)..... 231, 363, 372, 567.
Local Government
Eden System Abolished Upon Transfer
S 618 (Ch. 723).....604, 612, 625, 761, 771, 783.
Firemen's Contribution Refund
S 478 (H Pensions Com).....385, 648, 660.
Local Systems Inequities/Senate Pensions Committee
S 627 (reref Appr Com) .....622, 667.
Register of Deeds Retirement System Created
S 532 (reref Appr Com) .....454, 691.
Teachers and State Employees
Benefit Formula Accrual Rate
S 488 (reref Appr Com) .....400, 648.
Benefits Full/Pre-1973 Thirty Years
S 472 (Ch. 902)..... 381, 537, 546, 886.
Benefits—25 Years Service
S 175 (Pens & Ret Com) ..... 145.
Benefits—28 Years Service
S 142 (reref Appr Com) .....100, 571.
Benefits—28 Years Service—2
S 688 (Ch. 878).....807, 848, 881.
Comprehensive Major Medical Plan Exclusions
S 158 (reref Ins Com).....115, 612, 631.
Credit Union Option
S 667 (Pen & Ret Com) ..... 770.
H 1382 (Ch. 782) ..... 780, 795, 824, 841.

Retirement (continued)
Teachers and State Employees (continued)
Creditable Service/Leaves of Absence
S 139 (Ch. 533)....96, 419, 458, 466, 619.
Disability Benefits Service Credits
S 448 (reref Appr Com)....353, 458.
Employee Medical Benefits Committee
S 474 (Ch. 452)....381, 428, 438, 553.
Freeze Non-State Employees
H 808 (Ch. 412)....330, 458, 468, 485, 493.
Health Insurance Paid by Boards/Agencies
H 156 (Ch. 499)....193, 572, 584, 594.
Health Plan Changes, State Employee—1
S 452 (H 986) (Appr Com)....354.
Health Plan Changes, State Employee—2
H 1475 (Ch. 922)....897, 899.
Mandatory Retirement Eliminated
S 14 (H 48) (reref St Gov/Sr Citz Com)....33, 647, 660, 790.
Part-time State Employee
S 457 (reref Appr Com/see S 313-Ch 923)....364, 572.
Randolph-Sheppard Vendors Status
S 247 (Ch. 867)....214, 537, 845, 880.
Re-employment—Retired Public Worker
H 456 (Ch. 556)....565, 612, 625, 634.
Refund Waiting Period
S 277 (Ch. 467)....225, 340, 349, 567.
Sick Leave to Retirement
S 492 (H 1074) (reref Appr Com)....405, 648.
Temporary Service Creditable
S 154 (reref Appr Com)....109, 253.
Temporary State Employment/Creditable Service
S 217 (Ch. 725)....186, 648, 660, 761, 771, 783.
Tax Deduction Permitted
S 490 (Ch. 706)....400, 501, 580, 593, 774.
Revenue Bonds
Bonds/Notes Issuance Authority (Local Government)
S 411 (Ch. 554)....318, 426, 437, 448, 633.
Revenue Department—see Taxation
Richmond County—District 17—Senator Robert B. Jordan III
Senator Aaron W. Plyler
Commissioners Number Reduced/Chairman Election
H 244 (Ch. 57)....103, 140, 146, 153.
Dobbins Heights Incorporated
H 395 (Ch. 658)....179, 683, 695, 702, 713.
School Board Election
H 243 (Ch. 128)....101, 208, 216, 229.
Sheriff Vacancy Filling
H 1241 (Ch. 649)....631, 683, 697, 706.
Roads and Highways—see Transportation (Roads & Highways)
Robbery—see Criminal Law
Robeson County—District 30—Senator David Russell Parnell
Bondsmen Regulation/Law Library Established
H 864 (Ch. 742)....349, 413, 443, 666, 686, 810.

Robeson County (continued)
Hunting From Road
H 883 (Ch. 385) ..... 365, 419, 432, 463.
Lumberton Charter Amendments
H 618 (Ch. 350) ..... 401, 426, 441, 449.
Pembroke Town Elections
S 389 (Loc Gov Com) ..... 291.
School Unit Boundary Lines—Fairmont/Robeson
S 352 (Ch. 337) ..... 274, 327, 336, 445.
St. Paul City School Board
S 391 (Loc Gov Com) ..... 291.
Rockingham County—District 24—Senator George W. Marion, Jr.
Senator Conrad R. Duncan, Jr.
Eden Local Retirement System Abolished—2
S 618 (Ch. 723) ..... 604, 612, 625, 761, 771, 783.
High School Land Funds, Western
S 677 (Appr Com/see S 313-Ch 923) ..... 790.
Reidsville
Property Sale
H 1472 (Ch. 893) ..... 874, 887.
Water Rate Discount
H 479 (Ch. 125) ..... 200, 209, 218, 223.
School Units Merger Plan
S 223 (Ch. 783) ..... 193, 818, 840.
Stoneville
Charter Rewritten
S 322 (Ch. 287) ..... 248, 269, 276, 283, 384.
Private Bridge Allowed
S 565 (Ch. 524) ..... 538, 561, 575, 609.
Rowan County—District 23—Senator Jack Childers
Senator Robert M. Davis
China Grove Vacancy Filling
S 375 (Ch. 433) ..... 287, 327, 333, 343, 548.
Concord/Kannapolis Boundary
H 811 (Ch. 227) ..... 287, 298, 308, 315, 339.
Grimes Mill/Hall House Restoration Funds
S 371 (Appr Com/see S 313-Ch. 923) ..... 286.
Kannapolis Incorporation/Charter
S 312 (Loc Gov Com) ..... 247.
H 629 (Ch. 191) ..... 267, 270, 278, 284, 293.
School Board Election
H 350 (Ch. 97) ..... 155, 183, 190, 197.
Royall, Jr., Kenneth C.—Senator **Durham,** Granville, Orange (part), Person—**13th District**
Absent With Leave ..... 83, 154, 191, 198, 425, 435, 839, 852, 869, 886.
Adjournment Motion ..... 74, 111, 114, 172, 177, 181, 285, 289, 295, 346, 386, 417, 463, 469, 627, 672, 826, 839.
Addresses Senate ..... 11.
Appointment to Advisory Budget Commission ..... 23.
Certificate of Election ..... 6.
Committees: Assignments ..... 14, 15, 16, 17, 18, 19, 20, 22, 47, 138.

Royall, Jr., Kenneth C.—Senator (continued)
Committees (continued)
Standing—
Co-Ordinator of Committees
Appropriations (Vice-Chairman)
Base Budget (Vice-Chairman)
Rules and Operation of the Senate (Vice-Chairman)
Ways and Means (Vice-Chairman)
Agriculture—Banking—Education—Ethics—Finance—Higher Education—Human Resources—Insurance—Judiciary I, II, and III—Local Government and Regional Affairs—Manufacturing, Labor and Commerce—Natural and Economic Resources and Wildlife—Pensions and Retirement—Public Utilities and Energy—State Government
Conference—
SB 1 ..... 227, 501.
SB 141 ..... 767, 863.
SJR 693 ..... 901, 903.
HB 53 ..... 681, 755.
HB 278 ..... 646, 725.
HB 559 ..... 908.
Journal Approval Motion ..... 27, 34, 72, 107, 167, 172, 177, 279, 285, 410, 456, 463, 559, 665, 827.
Majority Leader—Nomination/Election ..... 9, 922.
Oath of Office ..... 7, 9.
Presides ..... 623.
Recorded Present ..... 347.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 51, 74, 182, 313, 386, 394, 401, 623, 637, 645, 655.
Co-Sponsor ..... 1, 22, 23, 36, 45, 63, 64, 71, 76, 84, 108, 111, 116, 117, 121, 127, 129, 131, 136, 144, 153, 177, 179, 188, 206, 212, 215, 253, 259, 262, 264, 279, 331, 373, 374, 387, 388, 393, 404, 406, 412, 413, 415, 424, 429, 430, 454, 571, 513, 515, 531, 532, 537, 560, 570, 571, 596, 597, 604, 605, 612, 615, 631, 632, 649, 650, 651, 653, 654, 657, 689, 692.

Rules of Civil Procedure—see Civil Procedure
Rules, Senate—see General Assembly (Senate)
Rulings By President—see General Assembly (Senate—Rulings)
Rutherford County—District 25—Senator Ollie Harris
Senator Helen R. Marvin
Senator Marshall A. Rauch
County Police Force
S 231 (Ch. 271) ..... 194, 297, 313, 379.
Ellenboro Charter Revision
H 1001 (Ch. 425) ..... 447, 483, 492, 540, 548.
School Board Election
H 344 (Ch. 95) ..... 155, 183, 190, 197.

—S—

Safe Roads Act—see Alcohol Regulation, Criminal Law, Evidence, Motor Vehicles
Sailboats—see Natural and Economic Resources (Boats)

Salaries—see also Appropriations (Budget); Labor
Public Worker Deferred Compensation
S 280 (Ch. 559) ..... 225, 486, 546, 633.
Sales—see Commerce & Business
Sales Tax—see Taxation
Sampson County—District 15—Senator Robert D. Warren
School Financing
H 627 (Ch. 209) ..... 261, 298, 307, 316.
Sanitarians—see Public Health
Sanitary Districts—see Public Health
Savings and Loan—see Banks
Scale Technician—see Weights and Measures
Scholarships—see Higher Education
School Bus—see Education; Motor Vehicles
Schools—see Education
Science and Math School—see Education
Scotland County—District 17—Senator Robert B. Jordan III
Senator Aaron W. Plyler
Subdivision Definition
H 349 (Ch. 96) ..... 155, 183, 190, 197.
Seaboard Coast Line Building—see Appropriations
Seal of the State
Halifax Resolves Date Reflected
S 151 (Ch. 257) ..... 103, 212, 221, 356.
Secretary of State—see State Officers
Securities
Limited Offering Security Exemption
H 965 (Ch. 509) ..... 460, 561, 577, 585, 595.
Secretary of State Fees and Taxes
S 255 (H 695) (H ppi/see H 278-Ch. 713) ..... 220, 361, 385, 391, 396.
Securities Act Amendments
H 1117 (Ch. 817) ..... 552, 757, 782, 792, 855.
Senate—see General Assembly
Senate Resolutions—see Resolutions, Senate (Simple)
Senatorial Districts ..... 3, 5, 916.
Separation of Powers—see Appointments
Sewer—see Public Health (Waste)
Sexual Offense—see Criminal Law
Shellfish—see Natural and Economic Resources (Wildlife)
Sheriff—see Law Enforcement
Shopping Cart Theft—see Criminal Law
Slavery—see Criminal Law
Small Business—see Commerce and Business
Social Security—see Taxation
Social Services
Care Costs Settled/DHR
S 33 (Ch. 23) ..... 43, 53, 57, 89.
Charitable Solicitation Licensure Act Exemptions
S 67 (Ch. 320) ..... 55, 77, 143, 151, 400, 404, 407, 417.
Communication Privilege/Social Worker
S 635 (J II Com) ..... 650.

Social Services (continued)
Domiciliary Homes
Advisory Committee Required
S 18 (H 42) (Ch. 88) ..... 33, 53, 57, 59, 174, 180, 183.
License Amendments
H 688 (Ch. 824) .....423, 692, 698, 794, 823, 860.
Peer Review
S 595 (Hum Res Com) ..... 573.
H 1028 (Ch. 816) ..... 592, 829, 845, 855.
Reporting Exemptions
H 995 (Ch. 611) ..... 407, 647, 663, 672.
Hospital Long-Term Care Liability
S 7 (Ch. 12)..... 31, 52, 56, 73.
Infant Separation Investigation
H 680 (Ch. 293) ..... 313, 358, 367, 387.
Nursing Home Certificates/Non-Medicaid
S 590 (reref Appr Com) .....573, 611.
Public Aid Fraud Criminal Offense
S 288 (J II Com) ..... 230.
Social Worker Certification—1
S 38 (Hum Res Com) ..... 43.
Social Worker Certification—2
S 83 (Ch. 495).....63, 107, 143, 151, 477, 561, 574, 586.
Special Assistance for Adults Rules
S 10 (Ch. 14)..... 32, 36, 39, 73.
Welfare Payment Recovery by County
S 8 (Ch. 13)..... 32, 36, 39, 73.
"Workfare" Program Established—2
S 609 (reref Appr Com) .....590, 748.
Soft Drink—see Taxation
Soil Conservation—see Public Health
Solar Energy—see Energy
Soles, Jr., R. C. —Senator Bladen, Brunswick, **Columbus,** Cumberland (part)—**18th District**
Absent With Leave.....36, 58, 60, 62, 64, 80, 83, 115, 154, 163, 223, 260, 285, 317, 346, 376, 385, 469, 656, 665, 753, 765, 775, 784, 794, 809, 827, 839, 852, 869, 886, 898.
Adjournment Motion.....57, 714.
Certificate of Election..... 6.
Committees: Assignments ..... 14, 15, 16, 17, 22, 184, 218.
Standing—
Judiciary II (Chairman)
Insurance (Vice-Chairman)
Agriculture—Banking—Finance—Ways and Means—Ways and Means/Transportation
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003.
Conference—
HB 331.....333, 364.
HB 683.....611, 754.
HB 767.....716, 754.
Oath of Office ..... 7.

Soles, Jr., R. C.—Senator (continued)
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 94, 134, 314.
Co-Sponsor ..... 29, 36, 71, 111, 114, 128, 129, 130, 131, 136, 145, 154, 161, 177, 206, 220, 221, 259, 279, 329, 374, 393, 398, 404, 412, 413, 429, 430, 477, 479, 484, 513, 564, 570, 596, 623, 650, 653.
Southern States Energy Compact—see Energy (Nuclear)
Speed, James D.—Senator **Franklin,** Nash (part), Vance, Wake (part)—**11th District**
Absent With Leave ..... 322, 325, 332, 339, 347, 418, 425, 435, 446, 869, 886.
Adjournment Motion ..... 34, 634.
Certificate of Election ..... 6.
Committees: Assignments ..... 16, 17, 19, 22, 23.
Standing—
Education (Chairman)
Agriculture (Vice-Chairman)
Finance—Human Resources—Pensions and Retirement—Ways and Means—Ways and Means/Transportation
Oath of Office ..... 7.
Presence Recorded ..... 351.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 143, 154, 213, 214, 497, 498, 564, 603, 626.
Co-Sponsor ..... 1, 36, 76, 114, 127, 128, 130, 131, 136, 144, 153, 177, 206, 220, 221, 295, 323, 369, 374, 393, 412, 413, 414, 424, 456, 471, 479, 484, 514, 515, 516, 536, 538, 539, 552, 570, 589, 593, 597, 605, 624, 631, 643, 644, 653, 681, 682.
"Speedy Trial"—see Criminal Procedure
Spouse—see Married Persons
Stanly County—District 17—Senator Robert B. Jordan III
Senator Aaron W. Plyler
Airport Authority Appointment
H 601 (Ch. 238) ..... 288, 328, 338, 346.
Albemarle Private Land Sale
H 283 (Ch. 60) ..... 116, 140, 147, 153.
Industrial Development Commission
H 600 (Ch. 237) ..... 288, 328, 338, 346.
Norwood Police Jurisdiction
H 181 (Ch. 91) ..... 119, 183, 189, 196.
State Agencies
Computer Commission Created
S 37 (Ch. 267) ..... 43, 303, 320, 371, 379.
Department Rules/Policies Authority
S 47 (Ch. 76) ..... 48, 91, 97, 171.
Human Resources Technical Change
S 638 (Ch. 806) ..... 659, 690, 702, 840.
State Publications Reflect Costs
S 229 (Ch. 866) ..... 194, 388, 401, 856, 880.
State Bar—see Judicial (Attorneys)
State Board of Education—see Education

State Buildings
Art in Public Building Funds
H 1161 (Ch. 862) ..... 859, 881.
Capitol/Obsolete Reference Repealed
H 26 (Ch. 8) ..... 54, 65, 68, 72.
Governor's Western Residence Maintenance
S 372 (H 915) (Ch. 602) ..... 286, 419, 430, 650, 660, 671.
Political Party Meetings Allowed
S 418 (Ch. 519) ..... 322, 419, 430, 594.
State Building Commission Created
S 651 (H Rules Com) ..... 693, 766, 893, 899, 900.
State Government Center—see State Land
State Land
Hazardous Waste Sites Study
S 689 (H Rules Com) ..... 807.
State Government Center Boundaries
S 155 (H 339) (St Gov Com) ..... 109.
Title Presumption
S 691 (Sp W&M Com) ..... 807.
State Officers
Appointments—see Appointments
Auditor
Auditor Law Rewritten
H 517 (Ch. 913) ..... 710, 760, 772, 781, 894, 899.
Attorney General
Licensed Attorney/Constitutional Requirement
H 458 (Ch. 298) ..... 312, 358, 366, 373, 375, 386, 387.
Governor
Addresses General Assembly
State of the State ..... 30, 923.
Special Message on Crime ..... 41, 930.
NCSU/UNC Basketball Teams ..... 295.
Boards and Commissions/Sunset
H 1295 (Ch. 733) ..... 717, 777, 793, 794.
Management Council/Appropriation Contingency
H 1473 (Ch. 907) ..... 885, 887.
Management Council Established
H 916 (Ch. 540) ..... 429, 603, 618, 627.
Gubernatorial Succession Repealed
S 694 (Sp W&M Com) ..... 829.
Lieutenant Governor
Addresses Senate ..... 7, 13, 98, 167, 595.
Adjournment in Honor ..... 98.
Administers Oath—President Pro Tempore/Majority Leader ..... 9.
Allegiance, Leads Pledge ..... 5.
Appointments—see **Appointments** (Lt. Governor)
General Assembly (Senate—Committees)
Birthday ..... 98.
Charges Senate Committees ..... 14.
Presides Daily Session (Senate) 5, 25, 26, 28, 31, 32, 34, 35, 37, 39, 41, 44, 46, 49, 51, 52, 54, 57, 59, 62, 64, 66, 69, 72, 74, 76, 80, 83, 84, 86, 89, 94, 99, 101, 104, 107, 111, 114,

State Officers (continued)
Lieutenant Governor (continued)
Presides Daily Session (Senate) (continued)
118, 137, 142, 147, 153, 157, 160, 163, 167, 172, 177, 181, 184, 191, 197, 203, 206, 211, 218, 223, 228, 234, 243, 251, 259, 263, 267, 272, 289, 295, 301, 309, 317, 321, 325, 332, 339, 346, 351, 357, 360, 367, 376, 380, 384, 386, 392, 398, 403, 409, 417, 425, 434, 446, 452, 456, 463, 469, 476, 480, 485, 493, 541, 549, 554, 559, 568, 579, 587, 596, 609, 620, 627, 634, 639, 645, 655, 664, 672, 680, 687, 698, 706, 714, 721, 753, 765, 775, 785, 793, 799, 808, 819, 820, 826, 834, 837, 839, 851, 855, 856, 859, 863, 869, 873, 883, 885, 887, 890, 895, 897, 902.
Presided—Joint Session ..... 30, 41, 235, 294, 495, 597, 722.
Votes to Break Tie—SB 111 ..... 171.
Secretary of State
Expansion of Programs Funds
S 401 (Appr Com/see S 23-Ch. 761) ..... 304.
Fees and Taxes
S 255 (H 695) (H ppi/see H 278-Ch. 713) ..... 220, 361, 385, 391, 396.
Treasurer
Trust Fund Investment Program Amendments
S 508 (Ch. 702) ..... 422, 487, 539, 544, 572, 583, 710, 751, 764.
State Parks—see Appropriations
State Personnel—see also Appropriations
Commission/Confirmation of Appointments
H 1154 (Res. 28) ..... 490, 555, 564, 578, 587, 597.
Compensatory Time Legislative Study
S 538 (recom Ins Com) ..... 465, 481, 491.
County Employees Personnel Policy
S 251 (Ch. 674) ..... 214, 603, 623, 713.
Employee Assistance Program Funds
S 615 (Appr Com) ..... 604.
Equal Employment Opportunity Comm'n Deferral Agency
S 289 (Ch. 516) ..... 230, 388, 401, 594.
Health Benefit Limited
S 158 (reref Ins Com) ..... 115, 612, 631.
Health Insurance by Boards/Agencies
H 156 (Ch. 499) ..... 193, 572, 584, 594.
Health Plan Changes—1
S 452 (H 986) (Appr Com) ..... 354.
Health Plan Changes—2
H 1475 (Ch. 922) ..... 897, 899.
Incentive Pay
S 437 (Ch. 871) ..... 343, 847, 880.
Leave Without Pay Study—LRC
H 1080 (Rules Com) ..... 651.
Mandatory Retirement Eliminated
S 14 (H 48) (reref St Gov/Sr Citz Com) ..... 33, 647, 660, 790.
Part-time Employee Retirement
S 457 (reref Appr Com/see S 313-Ch. 923) ..... 364, 572.
Part-time Personnel Vacation/Sick Leave
S 313 (Ch. 923) ..... 247, 899, 900, 907.

State Personnel (continued)
Public Telecommunications Employees
H 1160 (Ch. 666) ..... 637, 692, 704, 714.
Public Worker Deferred Compensation
S 280 (Ch. 559) ..... 225, 486, 546, 633.
Randolph-Sheppard Vendor Status
S 247 (Ch. 867) ..... 214, 537, 845, 880.
Salary Increase—7%
S 517 (H 1101) (reref Appr Com) ..... 428, 690.
State Government Risk Management Study—LRC
H 1083 (reref Appr Com/see H 1142-Ch. 905) ..... 490, 564.
Transportation Employee Payroll Deduction (Day-Glo)
S 602 (Ch. 680) ..... 581, 650, 661, 720.
Volunteers—Compliance With Agency Policies
S 588 (reref Appr Com) ..... 564, 613, 828, 854.
State Prison—see Prison
Staton, William W.—Senator Harnett, **Lee,** Wake (part)—**14th District**
Absent With Leave ..... 33, 52, 76, 87, 197, 206, 211, 272, 309, 317, 357, 360, 368, 398, 435, 469, 579, 714, 852.
Adjournment Motion ..... 104, 456.
Certificate of Election ..... 6.
Committees: Assignments ..... 15, 16, 17, 19, 20, 22, 218.
Standing—
State Government (Co-Chairman)
Natural and Economic Resources and Wildlife (Vice-Chairman)
Banking—Finance—Judiciary I—Ways and Means
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003.
Conference—
HB 426 ..... 838, 868.
Nomination of Reading Clerk (Seconds) ..... 9.
Oath of Office ..... 7.
Presence Recorded ..... 368.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 100, 101, 121, 155, 184, 197, 198, 199, 200, 205, 240, 299, 300, 301, 408, 462, 471, 509, 523, 524, 545, 598, 615, 617, 663, 665.
Co-Sponsor ..... 36, 42, 71, 76, 84, 108, 114, 123, 127, 128, 136, 144, 145, 150, 154, 157, 161, 170, 177, 179, 206, 212, 215, 279, 302, 311, 324, 329, 331, 334, 374, 393, 399, 412, 414, 424, 429, 430, 451, 453, 488, 513, 515, 517, 535, 537, 552, 564, 570, 588, 597, 605, 607, 608, 623, 631, 650, 653, 689, 690.
Endorsement Withdrawn ..... 111.
Statutes—see General Statutes
Statutory Liens—see Liens
Stokes County—District 24—Senator Conrad R. Duncan, Jr.
Senator George W. Marion, Jr.
Deer Hunting Changes
H 624 (Ch. 487) ..... 552, 563, 576, 587.

Stokes County (continued)
Junkyard Control
H 1465 (Ch. 841) ..... 835, 851, 853, 871.
King Incorporation
H 623 (Ch. 351) ..... 359, 412, 433, 444, 450.
Precinct Boundaries
H 486 (Ch. 225) ..... 266, 297, 306, 332.
Private Roads in Unincorporated Areas Named
S 348 (Ch. 299) ..... 274, 297, 305, 382, 391, 397.
Street Rod—see Motor Vehicles (License Plate)
Studies
Legislative Research Commission
Aging Study Continued
S 16 (H 44) (reref Appr Com/see H 1142-Ch. 905) ..... 33, 648.
Alcoholic Beverages Warning Label
S 593 (reref Appr Com) ..... 573, 692, 712.
Animal Disposition
H 1309 (reref Appr Com/see H 1142-Ch. 905) ..... 701, 760.
Bank Regulation
S 381 (reref Appr Com/see H 1142-Ch. 905) ..... 290, 820.
Biotechnology Development
S 620 (H 1282) (reref Appr Com/see H 1142-Ch. 905) ..... 614, 648.
Budgetary Process of N.C. Review
S 700 (Appr Com) ..... 870.
Child Support
S 675 (reref Appr Com/see H 1142-Ch 905) ..... 790, 796.
Community College Financing—1
H 1308 (reref Appr Com) ..... 676, 692.
Community College Financing—2
S 646 (reref Appr Com) ..... 693, 699.
Computer System Study Continued
S 44 (St Gov Com/see H 1142-Ch. 905) ..... 48.
District Attorney Standards Commission
S 496 (reref Appr Com/see H 1142-Ch. 905) ..... 406, 420, 430, 811.
Elderly "Life Care"
S 657 (reref Appr Com/see H 1142-Ch. 905) ..... 710, 748.
Executive Branch Boards/Commissions/Councils
H 1321 (reref Appr Com/see H 1142-Ch. 905) ..... 717, 778.
Farm Product Lien
S 622 (Res. 53) ..... 614, 715, 723, 893, 901.
Farmers Market (Dix Farm)
H 1334 (reref Appr Com/see H 1142-Ch. 905) ..... 717, 778.
Handicapped Equipment Tax Credit
S 435 (Passed 2nd rdg-reref Appr Com) ..... 342, 708, 718.
Incorporation of Municipalities
S 445 (reref Appr Com/see H 1142-Ch. 905) ..... 348, 428, 438, 456, 536, 552, 558.
Indigents Attorney/Guardian Costs
S 643 (reref Appr Com/see H 1142-Ch. 905) ..... 675, 691.
Lottery—2
S 25 (Rules Com) ..... 35.

Studies (continued)
Legislative Research Commission (continued)
Mechanics/Laborers/Materialmen Payments
S 680 (Appr Com/see H 1142-Ch. 905) ..... 797.
Narcotics Investigative Crime Commission
S 455 (reref Appr Com) ..... 364, 758.
Needs of Women, Continued
S 329 (H 904) (Rules Com/see H 1142-Ch. 905) ..... 254.
Omnibus Studies Bill
H 1142 (Ch. 905) ..... 583, 649, 873, 887.
Pollution Prevention PAYS Research
S 653 (Res. 54) ..... 700, 709, 894, 901.
Prisoner Age Grouping
S 591 (Rules Com) ..... 573.
Public Health Facility Laws
S 656 (reref Appr Com/see H 1142-Ch. 905) ..... 710, 748.
Railroad Properties
H 165 (Ch. 63) ..... 86, 144, 152, 157.
Readable Insurance Policies
H 1069 (Spec W&M Com/see H 1142-Ch. 905) ..... 798.
School Pupil Transportation
S 546 (H 1180) (reref Appr Com) ..... 472, 563.
Solar Energy Law
S 670 (reref Appr Com/see H 1142-Ch. 905) ..... 789, 796.
State Government Risk Management, Continued
H 1083 (reref Appr Com/see H 1142-Ch. 905) ..... 490, 564.
Teacher Sabbatical Leave
H 1080 (Rules Com) ..... 651.
Twelfth Grade, Continued
S 343 (H 753) (Rules Com/see H 1142-Ch 905) ..... 265.
UNC/Private College State Financing
S 654 (reref Appr Com) ..... 710, 760.
Volunteers Provide Government Services
S 66 (St Gov Com) ..... 55.
Water Resources, NC/Virginia
H 1404 (reref Appr Com/see H 1142-Ch. 905) ..... 718, 768.
Worthless Checks
S 661 (Appr Com/see H 1142-Ch 905) ..... 760.
Legislative Study Committee
Compensatory Time for State Employees
S 538 (recom Ins Com) ..... 465, 481, 491.
Deaf/Blind Schools to Board of Education/Special Needs
H 1142 (Ch. 905) ..... 583, 649, 873, 887.
Employment and Training Programs
S 463 (Rules Com) ..... 370.
Hazardous Waste
S 701 (Ch. 926) ..... 870, 894, 901, 907.
Legislative Building Remodeled
H 250 (Rules Com) ..... 204.
Organization of General Assembly
S 406 (H Rules Com) ..... 312, 389, 402, 415, 455.

Studies (continued)
Legislative Study Committee
Neuse River Basin Water Quality Plan
S 605 (Ch. 924)..... 582, 893, 901, 907.
School Laws by Senate/House Committees
S 143 (reref Appr Com)..... 100, 621.
Transportation Department, Continued
S 258 (H 595) (Res. 49)..... 220, 303, 313, 860.
Special Study Committee
Agriculture/Forestry/Seafood
S 624 (Rules Com)..... 614.
H 1169 (Ch. 915)..... 892, 899.
Courts Commission/Court of Appeals Overload
S 332 (Res. 52)..... 260, 334, 343, 898.
Criminal Code Revision Study Committee Established
H 1379 (Ch. 921)..... 884, 888, 890, 891, 899.
Criminal Justice Information System/Computerized Records
H 935 (Ch. 825)..... 832, 851, 853, 860.
Disability Review Commission
S 570 (H 1224) (Ch. 880)..... 543, 561, 848, 881.
Fiscal Planning and Accountability Study Commission
S 659 (reref Appr Com)..... 710, 768.
Governmental Operations—Legislative Session Limit
S 76 (adopted)..... 61, 918.
Hazardous Waste Site—Department of Human Resources
S 689 (H Rules Com)..... 807.
Judicial Districts Reorganization/Courts Commission
S 340 (H reref Appr E Com)..... 265, 303, 314, 320.
Juvenile Law Study Commission Funds
H 1072 (Ch. 910)..... 884, 888, 890, 892.
Mental Health Commission/Area Funding Policies
S 331 (Rules Com)..... 260.
H 760 (Res. 21)..... 382, 428, 442, 450.
Mental Health Commission/Hospitals Recodification
H 1185 (Res. 50)..... 859, 881.
Mental Health Study Commission, Continued
S 103 (Ch. 268)..... 78, 90, 97, 371, 379.
Property Tax System Study Commission Established
H 1050 (Ch. 838)..... 605, 649, 850, 871.
Small Business Finance Commission
H 1045 (Ch. 914)..... 892, 899.
White Oak River Funds Nonrevertable
S 419 (Ch. 869)..... 322, 847, 880.
Senate Committee
Pensions and Retirement/Local System Inequities
S 627 (reref Appr Com)..... 622, 667.
Surry County—District 24—Senator Conrad R. Duncan, Jr.
Senator George W. Marion, Jr.
Pilot Mountain Annexation
H 754 (Ch. 357)..... 382, 412, 433, 445, 450.
Private Roads in Unincorporated Areas Named
S 348 (Ch. 299)..... 274, 297, 305, 382, 391, 397.

Surry County (continued)
Property Tax Discount
H 647 (Ch. 241) ..... 323, 329, 339, 346.
Surveyor—see Engineer
Swain County—District 29—Senator Charles W. Hipps
Senator R. P. Thomas
Swain, Robert S.—Senator **Buncombe**, Madison, McDowell, Yancey—**28th District**
Absent With Leave ..... 90, 198, 398.
Adjournment Motion ..... 197, 627, 639, 775.
Certificate of Election ..... 6.
Committees: Assignments ..... 14, 17, 18, 20, 22, 47, 138, 184, 218, 656.
Standing—
Appropriations/Justice and Public Safety (Chairman)
Judiciary I (Vice-Chairman)
Appropriations—Base Budget—Ethics—Rules and Operation of the Senate—Ways and Means—Ways and Means/Economy—Ways and Means/Transportation.
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003
Special Ways and Means (Chairman)
Conference—
SB 141 ..... 767, 863.
SJR 693 ..... 901, 903.
HB 53 ..... 681, 755.
HB 413 ..... 588, 674.
HB 489 ..... 855, 875.
HB 503 ..... 484, 665.
HB 559 ..... 908.
HB 683 ..... 611, 822.
HB 905 ..... 769, 806.
HB 933 ..... 861, 888.
HB 1260 ..... 724, 756.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 78, 123, 144, 230, 333, 362, 363, 374, 407, 429, 430, 542, 634, 643.
Co-Sponsor ..... 22, 23, 29, 68, 76, 84, 114, 117, 129, 130, 143, 145, 162, 188, 206, 215, 233, 295, 323, 327, 328, 350, 372, 393, 406, 412, 413, 415, 424, 458, 466, 471, 477, 503, 513, 535, 538, 548, 552, 564, 570, 575, 589, 607, 608, 609, 623, 631, 651, 653, 676, 694.

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Tally, Lura S.—Senator Cumberland (part)—**12th District**
Absent With Leave ..... 94, 102, 346, 381, 385, 610, 839, 852, 869, 886, 898.
Adjournment Motion ..... 142, 360, 826.
Certificate of Election ..... 6.
Committees: Assignments ..... 14, 16, 17, 18, 20, 218.
Standing—
Higher Education (Chairman)

Tally, Lura S.—Senator (continued)
Committees (continued)
Standing (continued)
Appropriations/Education (Vice-Chairman)
Appropriations—Base Budget—Education—Judiciary II—Judiciary II/ Constitutional Amendments—Public Utilities and Energy.
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003
Conference—
HB 683 ..... 611, 822.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 69, 99, 132, 171, 336, 343, 392, 610 (by request), 633, 646.
Co-Sponsor ..... 29, 38, 39, 64, 71, 76, 84, 89, 90, 96, 108, 111, 127, 129, 136, 144, 145, 161, 167, 177, 179, 189, 206, 215, 216, 259, 262, 279, 291, 326, 327, 329, 331, 344, 361, 374, 393, 399, 404, 412, 415, 424, 429, 430, 438, 457, 479, 488, 513, 514, 515, 517, 531, 532, 537, 546, 547, 549, 550, 552, 570, 589, 592, 595, 596, 597, 609, 613, 614, 643, 650, 653, 654, 675.
Talton, Hardy—Honored (Former Senator)
H 417 (Res. 16) ..... 330, 331, 339.
Taxation
Agricultural Land Valuation
H 1201 (Ch. 821) ..... 694, 768, 811, 831, 844, 855.
Alcoholic Beverage
Grapes Grown in North Carolina
S 134 (recom Fin Com) ..... 95, 708, 723.
Beer/Wine Profit Township Distribution
H 1139 (Ch. 650) ..... 630, 666, 678, 697, 705.
Increased/Revenue Distribution
S 3 (Fin Com) ..... 27.
Sacramental Wine Tax Refund
H 130 (Ch. 792) ..... 716, 835, 836, 840.
Automobile Tax Increase/Local Areas—see also individual county
Five Dollars—1 (Local)
H 217 (Ch. 75) ..... 100, 143, 152, 156, 171.
Five Dollars—2 (Local)
H 428 (Ch. 188) ..... 188, 244, 258, 262, 293.
Currency Transactions Reports Required
H 945 (Ch. 815) ..... 637, 800, 823, 855.
Evasion/Embezzlement Classified Misdemeanor
H 717 (reref J II Com) ..... 615, 787, 798.
Foreclosure Notice in rem Lien
H 720 (Ch. 855) ..... 770, 873, 881.
Gasoline/Special Fuel
Fuel Distributor/Supplier Bond Increased
H 18 (Ch. 220) ..... 161, 272, 300, 324.
Gasohol Exemption Extended
S 666 (Ch. 760) ..... 761, 767, 809.
Gasohol Partial Exemption (5¢)
S 566 (Ch. 591) ..... 538, 561, 575, 583, 651, 663.

Taxation (continued)
Gasoline/Special Fuel (continued)
Motor Vehicle Lessor Assume Responsibility
H 19 (Ch. 29) ..... 40, 77, 88, 94.
Severance Tax on Production
S 665 (Fin Com) ..... 770.
Gift
Tuition/Medical Unlimited Exclusion
H 28 (Ch. 685) ..... 569, 708, 719, 752.
Homestead Exemption
Foreclosure Prohibited Under Classification
S 283 (H Fin Com) ..... 226, 362, 372.
Income
Campaign Fund Checkoff Line on Form
S 440 (Ch. 480) ..... 347, 426, 438, 579.
Campaign Fund Unlimited Checkoff
S 441 (Ch. 481) ..... 347, 427, 438, 579.
Collection by Savings and Loan to Department of Revenue
H 5 (Ch. 26) ..... 40, 76, 88, 94.
Conservation Tillage Equipment Credit
H 541 (Reref Fin Com) ..... 701, 749, 777.
Converted Boiler Credit
S 222 (Ch. 929) ..... 187, 810, 831, 907.
Corporation Basis Reduced by Federal Tax Credit
H 86 (Ch. 61) ..... 56, 143, 152, 156.
Corporations Exemption Conform to Federal
H 17 (Ch. 28) ..... 40, 77, 88, 94.
Corporation Prepaid/Inventory Credit
S 92 (H 185) (Fin Com) ..... 70.
Corporation Unrelated Business Taxable Income
H 20 (Ch. 31) ..... 58, 77, 89, 93, 98.
Day Care Benefit Taxable Income Exclusion
H 260 (Ch. 895) ..... 179, 883, 886.
Decedent's Double Taxation Eliminated
H 89 (Fin Com) ..... 59.
Election Checkoff Funds Distribution
S 84 (Ch. 139) ..... 65, 144, 159, 165, 243.
Entireties Property Profit—1
S 39 (H 106) (Ch. 449) ..... 45, 55, 65, 361, 371, 553.
Estimated Declaration Exemption
S 114 (Fin Com) ..... 81.
Federal Retirement Pay Exemption
S 156 (Fin Com) ..... 112.
Gleaned Crops Credit
H 1099 (Fin Com) ..... 592.
Handicap Equipment Credit Study
S 435 (Passed 2nd rdg-reref Appr Com) ..... 342, 708, 718.
Land Donation to State Subject CAMA Restriction
H 230 (Ch. 793) ..... 574, 799, 823, 840.
Legislators Business Expense Deductions
H 14 (Ch. 155) ..... 109, 244, 256, 263.

Taxation (continued)
Income (continued)
Married Woman's Domicile
H 432 (Ch. 195) ..... 232, 269, 277, 284, 308.
Parent-Support Deduction
S 21 (H 45) (Fin Com) ..... 34.
Rates/Exemptions Indexed to Consumer Price Index
S 574 (Fin Com) ..... 550.
REACT Gift Deduction Allowed
H 52 (Ch. 303) ..... 85, 388, 397, 403.
Refund Applicable to Future Liability
H 955 (Ch. 663) ..... 583, 689, 704, 714.
Refunds to Wildlife Fund
S 146 (Ch. 865) ..... 102, 105, 192, 212, 846, 880.
Retirement Plan Contributions Deductible
S 490 (Ch. 706) ..... 400, 501, 580, 593, 774.
Solar Tax Credit, Corporate
H 665 (reref Appr Com) ..... 319, 828.
Solar Tax Credit, Individual
H 666 (reref Appr Com) ..... 319, 828.
Inheritance
Credit Increase/Class A
S 489 (Fin Com) ..... 400.
Decedent's Double Taxation Eliminated
H 89 (Fin Com) ..... 59.
Executor's Tax Waiver Requirement
H 529 (Ch. 198) ..... 233, 273, 301, 308.
Installment Payments Allowed
S 180 (Fin Com) ..... 149.
Initiative on Taxes/Fees—Constitutional Amendment
S 540 (J II/Const Amd Com) ..... 471.
Intangible
Distribution of Collections 1982/1983
H 7 (Ch. 27) ..... 44, 77, 88, 94.
Privilege License
Alarm Systems Additional
H 617 (Ch. 300) ..... 299, 362, 373, 375, 391, 397.
Pest Control Exemption
S 152 (Ch. 193) ..... 109, 212, 221, 308.
Retail Variety Store Option
H 8 (Ch. 38) ..... 44, 77, 88, 93, 104.
Video Game—1
S 60 (Fin Com) ..... 53.
Property
Ad Valorem Exemption, Historic
H 1156 (Ch. 693) ..... 669, 708, 719, 752.
Anti-Pollution Device Exemption
H 502 (Ch. 643) ..... 565, 675, 686, 696, 705.
Appeal Notice from Property Tax Commission
H 1202 (Ch. 565) ..... 592, 621, 633, 639.
Appraiser's Continuing Education
H 202 (Ch. 813) ..... 582, 811, 833, 845, 855.

Taxation (continued)
Property (continued)
City/County Industrial/Economic Development
H 1049 (Ch. 511) .....465, 470, 561, 578, 586, 595.
Delinquent Personal Property Taxes Published
H 343 (Ch. 670) .....544, 659, 670, 678, 713.
Disabled Veteran Exclusion
S 71 (Fin Com) ..... 56.
Interest Accrual
H 249 (Ch. 64) ..... 116, 143, 153, 157.
Inventory Exemption, Constitutional
S 465 (Fin Com) ..... 370.
Listing of Time-Shared Property
H 206 (Ch. 785) ..... 630, 811, 833, 840.
Machinery Act Amendments
H 204 (Fin Com) ..... 636.
Property Tax System Study Commission Established
H 1050 (Ch. 838) ..... 605, 649, 850, 871.
Protest and Appeal Procedures
H 203 (Fin Com) ..... 591.
Public Health Law Revision
S 141 (H 318) (Ch. 891) ..... 100, 542, 580, 592, 606, 761, 767, 788, 808, 862, 868, 880.
Revenue Department Bulk Mail Contracts
H 6 (Ch. 7) ..... 48, 64, 68, 72.
Sales and Use
Computer Program Defined Tangible Personal Property
H 327 (Fin Com/see H 278-Ch. 713) ..... 193.
Death Certificates Repeal
S 416 (Ch. 887) ..... 318, 799, 822, 880.
Hunting/Fishing Supplies to Wildlife Resources Fund
S 539 (Appr Com) ..... 471.
Increase (4%)/Food Exempted
S 51 (Fin Com/see H 426-Ch. 908) ..... 48.
Local Taxes Allowed (1/2%)
H 426 (Ch. 908) ..... 684, 700, 803, 816, 829, 838, 863, 871, 889, 891.
Medical Equipment Exemption
H 9 (Fin Com) ..... 669.
Merchant Discount Reduced
S 361 (Fin Com) ..... 281.
Motor Vehicles Retail Sales
S 450 (Fin Com) ..... 353.
Newspaper Advertising/Local Government
S 558 (Fin Com) ..... 490.
Newspaper Advertising Supplements Exemption
S 461 (Ch. 873) ..... 370, 811, 831, 880.
Newspaper Sales Exemptions
S 576 (Fin Com) ..... 550.
Printed Matter Exemption/Out-Of-State Delivery
H 187 (Ch. 156) ..... 100, 244, 257, 263.
Semi-annual Refunds
County-Owned Hospitals
H 147 (Ch. 594) .....73, 164, 635, 651, 664.

Taxation (continued)
Sales and Use (continued)
Semi-annual Refunds (continued)
Haywood County Hospital
H 15 (reref W&M Com) ..... 44, 164.
Hospital Tax Refund—4
S 191 (reref Ways & Means Com) ..... 158, 164.
Hospital Tax Refund—2 (Granville/Henderson)
H 114 (reref W&M Com) ..... 61, 164.
Swine/Poultry/Livestock Equipment—1%
S 626 (Ch. 805) ..... 622, 666, 677, 686, 840.
Telephone Computer Programs
H 999 (Ch. 510) ..... 401, 561, 578, 586, 595.
Seafood License Increase/Tax Repeal
S 357 (Ch. 570) ..... 281, 333, 388, 396, 629, 637, 645.
Secretary of State Fees and Taxes
S 255 (H 695) (H ppi/see H 278-Ch. 713) ..... 220, 361, 385, 391, 396.
Soft Drink Dispenser Amount/Determination
H 919 (Ch. 379) ..... 355, 427, 444, 451.
Tax Adjustment Act of 1983
H 278 (Ch. 713) ..... 615, 628, 638, 644, 646, 724, 763, 769, 772, 774.
Tax Lien Sales Abolished
S 647 (Ch. 808) ..... 693, 709, 719, 840.
Tuition Tax Credit Opposed (Federal)
S 108 (H 241) (Res. 6) ..... 80, 143, 165, 175, 181.
Use Valuation Five-Acre Horticultural Tracts
H 1368 (Ch. 826) ..... 717, 749, 852, 853, 860.
Teacher—see Education
Teacher Retirement—see Retirement
Technical Institutes—see Higher Education
Technological Development Authority, N.C.—see Commerce
Telephone—see Utilities
Tenancy by the Entirety—see Real Estate; Taxation
Tenant—see Landlord
Textbooks—see Education
Therapy—see Medicine
Thomas, Joseph E.—Senator Carteret, **Craven,** Pamlico—**3rd District**
Absent With Leave ..... 31, 35, 36, 83, 94, 285, 289, 296, 398, 435, 446, 456, 469, 597.
Adjournment Motion ..... 183, 579, 587.
Certificate of Election ..... 5.
Committees: Assignments ..... 14, 18, 19, 22, 23, 47.
Standing—
Natural and Economic Resources and Wildlife (Chairman)
Ways and Means/Transportation (Vice-Chairman)
Agriculture—Appropriations—Appropriations/Natural and Economic Resources—Base Budget—Local Government and Regional Affairs—Rules and Operation of the Senate—Ways and Means
Conference—
HB 109 ..... 158, 199.
Oath of Office ..... 7.

Thomas, Joseph E.—Senator (continued)
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 138, 139, 146, 147, 166, 179, 215, 356, 357, 378, 379, 380, 417, 419, 431, 432, 460, 511, 525, 526, 579, 604, 605, 641, 671, 691, 701.
Co-Sponsor ..... 1, 36, 38, 71, 84, 96, 108, 114, 117, 128, 130, 131, 136, 150, 153, 176, 177, 178, 188, 206, 207, 220, 221, 283, 295, 374, 393, 398, 399, 406, 413, 424, 429, 430, 479, 484, 488, 513, 515, 537, 539, 570, 589, 623, 651, 653, 689.

Thomas, R. P.—Senator Cherokee, Clay, Graham, Haywood, **Henderson**, Jackson, Macon, Polk, Swain, Transylvania—**29th District**
Absent With Leave ..... 111, 115, 154, 157, 172, 317, 346, 381, 446.
Adjournment Motion ..... 66, 885.
Certificate of Election ..... 6.
Committees: Assignments ..... 14, 16, 17, 19, 22.
Standing—
Ways and Means (Co-Chairman)
Finance (Vice-Chairman)
Agriculture—Judiciary I—Manufacturing, Labor and Commerce—Natural and Economic Resources and Wildlife—Pensions and Retirement.
Nomination of Sergeant-at-Arms ..... 9.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 30, 58, 159, 168, 188, 249, 250, 409, 447, 448, 575, 586, 661.
Co-Sponsor ..... 29, 36, 39, 76, 92, 111, 117, 123, 129, 130, 131, 136, 153, 177, 191, 204, 206, 207, 215, 259, 295, 323, 327, 328, 329, 372, 374, 393, 406, 413, 429, 430, 484, 514, 537, 542, 548, 549, 558, 570, 596, 605, 609, 623, 631, 643, 650, 653, 659, 676.

Thorpe, Marion D.—Honored
S 563 (ppi) ..... 538, 563, 575, 624, 679.
H 1184 (Res 38) ..... 675, 687.

Timber—see Natural & Economic Resources (Forestry)

Tison III, Benjamin T.—Senator Cabarrus, **Mecklenburg—22nd District**
Absent With Leave ..... 36, 302, 309, 317, 463, 469.
Adjournment Motion ..... 64, 243, 309, 403, 720, 851.
Certificate of Election ..... 6.
Committees: Assignments ..... 14, 16, 17, 18, 19, 22, 47, 218.
Standing—
Ways and Means/Economy (Chairman)
Appropriations (Vice-Chairman)
Base Budget (Vice-Chairman)
Appropriations/General Government—Finance—Judiciary III—Manufacturing, Labor and Commerce—Public Utilities and Energy—Ways and Means—Ways and Means/Economy
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003
Conference—
SB 265 ..... 872, 895.
HB 800 ..... 657, 689.
HB 1221 ..... 707, 756.

Tison III, Benjamin T.—Senator (continued)
Escorts NCSU/UNC Basketball Teams ..... 289.
Nomination of President Pro Tempore (Seconds) ..... 9, 921.
Oath of Office ..... 7.
Votes Excused: SB 57 ..... 101.
HB 336 ..... 216.
HB 978 ..... 558, 618.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 67, 70, 85, 306, 307, 308, 309, 543, 544, 658.
Co-Sponsor ..... 1, 2, 22, 23, 29, 35, 37, 39, 44, 57, 76, 102, 108, 111, 114, 117, 127, 130, 136, 144, 177, 188,191, 206, 262, 295, 312, 329, 374, 393, 424, 429, 430, 467, 471, 477, 514, 536, 538, 570, 631, 643, 650, 653, 693.
Title Presumption—see State Land
Tobacco—see Agriculture
Tort—see Individual Subject
Toxic Substances—see Public Health
Toxicology Laboratory—see Medicine
Trademarks
Molding Manufactured Parts Made Crime
H 985 (J III Com) ..... 478.
Trailer Converters Registration Exemption—see Motor Vehicles (Registration)
Transportation
Airports—see individual County
Bridge
Ferries/Toll Bridges Rate Authority Repeal
S 636 (Ch. 684) ..... 650, 658, 670, 720.
Henry Street, Stoneville Construction
S 565 (Ch. 524) ..... 538, 561, 575, 609.
Legislative Study of Department Continued
S 258 (H 595) (Res. 49) ..... 220, 303, 313, 860.
Payroll Deduction/Uniform Insurance
S 602 (Ch. 680) ..... 581, 650, 661, 720.
Railroads
Trent River Bridge, New Bern
S 526 (Appr Com) ..... 436.
Roads and Highways
Billboard Removal Compensation
H 239 (Ch. 318) ..... 158, 399, 408, 417.
Highway Condemnation Judgment Interest Rate
H 148 (Ch. 812) ..... 73, 106, 845, 855.
Inter-City Transportation Administration
H 1231 (Ch. 616) ..... 605, 650, 663, 672.
Land Survey Recording Revisions
H 663 (Ch. 473) ..... 473, 536, 547, 579.
Littering from Farm Product Vehicle
S 685 (Ch. 890) ..... 814, 820, 833, 881.
Littering/Probation by Community Service
S 162 (H unf rpt) ..... 116, 161, 175.
Maintenance by Property Owner
S 56 (Ch. 84) ..... 50, 106, 110, 165, 174, 181.

Transportation (continued)
Roads and Highways (continued)
Motor Club Road Service Increased
H 1000 (Ch. 542) ..... 478, 601, 618, 627.
Private Roads Between Communities/Requirements
S 113 (Res. 42)..... 81, 106, 110, 117, 141, 716, 750, 764.
Ridesharing Parking Funds Allowed
H 168 (Ch. 102) ..... 86, 186, 195, 202.
Sign/Junkyard Fees Established
S 453 (Ch. 604)..... 354, 420, 457, 467, 641, 660, 671.
Subcontractor Payment Requirements
S 556 (Ch. 804)..... 489, 689, 712, 762, 766, 840.
Width Requirement/Tandem Truck Use
S 619 (W&M/Transp Com)..... 614.
Winston-Salem—I 40 Lease for Parking
H 773 (Ch. 634) ..... 355, 636, 651, 687.
Transylvania County—District 29—Senator Charles W. Hipps
Senator R. P. Thomas
School Land Sale
H 648 (Ch. 579) ..... 437, 635, 644, 655.
School Tax Limitation
H 828 (Ch. 363) ..... 349, 413, 443, 450.
Trapping—see N&ER (Wildlife); Individual County
Treasurer—see State Officers
Trials—see Civil Procedure; Criminal Procedure
Trucks—see Motor Vehicles
Tyrrell County—District 1—Senator Melvin R. Daniels, Jr.
Automobile Tax Increased
H 190 (Ch. 106) ..... 88, 143, 166, 176, 180, 206.
Boundary Clarification—1
H 145 (Ch. 11) ..... 65, 68, 71, 74.
Boundary Correction—2
H 429 (Ch. 120) ..... 200, 208, 217, 223.
Contract Exemption
H 613 (Ch. 208) ..... 261, 298, 307, 316.
School Contracts
H 731 (Ch. 580) ..... 437, 580, 635, 644, 655.

—U—

Unemployment—see Employment Security
Unified Commercial Code
Automobile Buyer/Manufacturer Remedies
H 1093 (Ch. 598) ..... 490, 560, 621, 652, 664.
Union County—District 17—Senator Robert B. Jordon III
Senator Aaron W. Plyler
Condemnation Procedures Outside County
H 304 (Ch. 150) ..... 155, 241, 249, 259.
Fireworks Permits
H 369 (Ch. 116) ..... 179, 208, 217, 223.
Marvin Incorporated
S 385 (Ch. 514)..... 291, 458, 474, 479, 594.

Union County (continued)
Monroe
Convey to United States
H 405 (Ch. 154) ..... 204, 241, 250, 259.
Force Account Work
S 201 (Ch. 270) ..... 169, 207, 216, 379.
School Name/Tax District
S 244 (ppi) ..... 213, 483, 486, 556, 567.
School Referendum—Union/Monroe
H 884 (Ch. 475) ..... 478, 556, 566, 579.
Old Union County Courthouse Restoration Funds
S 243 (Appr Com/see S 313-Ch 923) ..... 213.
Weddington Incorporation
H 597 (Ch. 256) ..... 267, 298, 315, 320, 356.
United States—see Individual County
University—see Higher Education
Uranium—see Mines and Quarries
Usury—see Interest
Utilities
Commission
Appeal of Orders
H 493 (Ch. 526) ..... 460, 570, 607, 619.
Cross-Appeal Notice
H 513 (Ch. 572) ..... 551, 602, 617, 645.
Confirmation of Appointments
H 1022 (Res. 22) ..... 390, 428, 444, 451, 493, 494.
Elected by Popular Vote
S 98 (Pub Util Com) ..... 70.
Qualifications Established for Members
S 481 (H Util Com) ..... 389, 612, 632.
Electrification
Joint Municipal Assistance Agencies
H 951 (Ch. 609) ..... 591, 648, 662, 672.
Municipal Power Agencies Amendments
H 942 (Ch. 574) ..... 437, 563, 580, 593, 608, 645.
Railroad
Lease Extension Prior to 1985 Legislature
H 1142 (Ch. 905) ..... 583, 649, 873, 887.
Railroad Operations Study—LRC
H 165 (Ch. 63) ..... 86, 144, 152, 157.
Reconnection Unauthorized/Misdemeanor
H 989 (Ch. 508) ..... 447, 563, 577, 586, 595.
Telephone
Access/Rates
H 1365 (Spec W&M Com) ..... 791.
Computer Programs Sales Tax
H 999 (Ch. 510) ..... 401, 561, 578, 586, 595.
Local Government Access State Network
S 304 (Ch. 406) ..... 246, 363, 372, 475.

—V—

Vance County—District 11—Senator James D. Speed

Vance County (continued)
Sheriff Deputy Program
H 530 (Ch. 344) ..... 378, 411, 440, 449.
Veterans—see Military
Veterinary—see Agriculture
Video Games—see Taxation (Privilege License)
Vocational Guidance—see Education
Volunteers—see State Personnel; Studies
Voting—see Election Laws
Voting by Senator, Excused—see Individual Legislator
Voting Equipment Inoperative (Senate)
June 7, 1983 ..... 557.
June 9, 1983 ..... 574.
June 15, 1983 ..... 610.
June 16, 1983 ..... 620.
June 17, 1983 (part) ..... 631.
June 20, 1983 ..... 635.
June 21, 1983 ..... 640.
June 22, 1983 ..... 646.
June 23, 1983 ..... 656.
June 24, 1983 ..... 665.
July 5, 1983 ..... 715.

—W—

Wages—see Appropriations (Budget); Labor
Wake County—District 11—Senator James D. Speed
District 14—Senator Joseph E. Johnson
Senator William W. Staton
Senator Wilma C. Woodard
ABC Board Composition
H 578 (reref St Gov Com) ..... 348, 353.
Deputies Purchase Weapons
H 219 (Ch. 343) ..... 382, 411, 439, 449.
Garner Fire Department Funds
S 334 (Appr Com/see S 313-Ch. 923) ..... 260.
Raleigh
Haywood Hall Research Funds
S 302 (Appr Com/see S 313-Ch. 923) ..... 241.
Land Disposal
S 170 (Ch. 159) ..... 144, 182, 188, 263.
Payments in Lieu of Land
H 571 (Spec W&M Com) ..... 780.
Site Reservation/Streets Assessments
H 570 (Ch. 272) ..... 323, 359, 366, 373, 380.
Water Line Assessments
H 518 (Ch. 211) ..... 266, 298, 306, 315, 320.
Swift Creek Development Study
H 657 (reref Appr Com/see S 313-Ch. 923) ..... 676, 777.
Wake Forest Annexation
H 656 (Loc Gov Com) ..... 641.

Walker, Russell—Senator Chatham, Moore, Orange (part), **Randolph—16th District**
Absent With Leave....58, 138, 184.
Certificate of Election....6.
Committees: Assignments....14, 17, 18, 22, 47.
Standing—
Appropriations/Human Resources (Chairman)
Human Resources (Vice-Chairman)
Appropriations—Base Budget—Local Government and Regional Affairs—State Government—State Government/Election Laws—Ways and Means—Ways and Means/Small Business
Conference—
HB 1191....818, 833.
Oath of Office....7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor....26, 27, 126, 127, 173, 196, 253, 361, 418, 440, 441, 506, 510, 515, 570, 571, 606, 628, 632, 670, 695.
Co-Sponsor....1, 29, 36, 39, 63, 64, 69, 71, 84, 108, 109, 110, 111, 116, 117, 121, 129, 130, 136, 144, 145, 157, 161, 171, 177, 188, 215, 279, 283, 327, 329, 331, 367, 373, 374, 377, 393, 406, 413, 429, 430, 438, 457, 479, 514, 517, 536, 537, 539, 552, 564, 589, 592, 605, 609, 612, 623, 631, 637, 650, 651, 653, 683, 686, 689, 692.

Ward, Marvin—Senator **Forsyth** (part)—**20th District**
Absent With Leave....148, 154.
Adjournment Motion....153, 367, 476, 839.
Award: Leif Valand for Mental Health....28.
Certificate of Election....6.
Committees: Assignments....14, 16, 17, 19, 22, 23, 47.
Standing—
Appropriations/Education (Chairman)
Natural and Economic Resources and Wildlife (Vice-Chairman)
Appropriations—Base Budget—Education—Higher Education—Human Resources—Ways and Means—Ways and Means/Transportation
Oath of Office....7.
Prayer....66.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor....64, 160, 183, 227, 285, 360, 507, 597.
Co-Sponsor....29, 36, 39, 63, 71, 76, 84, 89, 90, 108, 111, 116, 127, 130, 136, 144, 171, 172, 177, 188, 189, 206, 215, 259, 262, 279, 295, 327, 329, 331, 343, 374, 392, 393, 404, 412, 413, 415, 424, 429, 430, 457, 570, 479, 488, 513, 514, 531, 532, 537, 546, 547, 549, 552, 570, 589, 592, 595, 596, 605, 609, 623, 631, 643, 644, 646, 650, 653, 654, 675, 689.

Warrants—see also Criminal Procedure

Warren County—District 6—Senator Julian R. Allsbrook
Hazardous Waste Disposal Assistance Funds
H 745 (Ch. 849)....857, 871.
Sheriff Deputy Program
H 530 (Ch. 344)....378, 411, 440, 449.

Warren, Robert D.—Senator **Johnston,** Sampson—**15th District**
Adjournment Motion.....157, 480.
Certificate of Election.....6.
Committees: Assignments.....14, 16, 17, 20, 21, 22, 23, 47, 215, 218.
Standing—
Ways and Means/Transportation (Chairman)
Agriculture (Vice-Chairman)
Education (Vice-Chairman)
Appropriations—Appropriations/Education—Base Budget—Human Resources—Judicary III—State Government—State Government/Housing—Ways and Means
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003 (Chairman)
Special Ways and Means
Conference—
SB 1.....227, 501.
HB 298.....457, 536.
HB 426.....838, 868.
Escorts: Governor.....39.
NCSU/UNC Basketball Teams.....289.
Oath of Office.....7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor.....54, 55, 56, 163, 164, 165, 207, 364, 453, 527, 528, 567, 593, 594, 601, 602, 630, 636, 673, 674.
Co-Sponsor.....36, 37, 44, 64, 71, 76, 84, 102, 103, 105, 106, 108, 111, 114, 117, 127, 130, 131, 136, 145, 153, 154, 177, 178, 188, 206, 215, 220, 221, 257, 323, 326, 331, 374, 393, 404, 412, 413, 414, 415, 424, 429, 430, 458, 484, 488, 513, 517, 518, 519, 537, 539, 546, 547, 566, 568, 570, 583, 596, 605, 631, 643, 644, 646, 650, 653, 688.
Washington County—District 1—Senator Melvin R. Daniels, Jr.
District 2—Senator J. J. Harrington
Automobile Tax Increased
H 190 (Ch. 106).....88, 143, 166, 176, 180, 206.
Boundary Clarification—1 (Tyrrell)
H 145 (Ch. 11).....65, 68, 71, 74.
Boundary Correction—2 (Tyrrell)
H 429 (Ch. 120).....200, 208, 217, 223.
Hospitals Fee Collection
H 560 (unf prt).....460, 488, 539, 649.
School Board Vacancy
H 997 (Ch. 493).....395, 564, 578, 587.
Waste—see Public Health
Watauga County—District 24—Senator Conrad R. Duncan, Jr
Senator George W. Marion, Jr.
Howard's Knob Windmill Sale Encouraged
H 1153 (Rules Com/see also H 1276).....477.
School Snow Make-up Days
S 384 (Ch. 703).....290, 602, 657, 669, 764.
Watchmakers—see Commerce and Business
Water and Sewer—see Public Health

Watershed—see Public Health
Wayne County—District 8—Senator Henson P. Barnes
Waynesborough Park Funds
S 104 (Appr Com/see S 313-Ch. 923)..... 78.
Weapons—see Criminal Law; Natural and Economic Resources (Wildlife)
Weathers, Carroll W.—Honored
H 1023 (Res. 25)..... 447, 488, 545, 554.
Weights and Measures
Scale Technicians Amendments
H 325 (Ch. 111)..... 113, 182, 190, 196, 218.
Welfare—see Social Services
Well Construction Act—see Contractors
Wheeler, Raymond—Honored
H 98 (Res. 4)..... 86, 143, 152, 157.
White, Vernon E.—Senator Beaufort (part), Martin (part), **Pitt—9th District**
Absent With Leave..... 45, 46, 55, 58, 66, 69, 191, 279, 285, 398, 404, 410, 559, 794.
Adjournment Motion..... 28.
Certificate of Election..... 5.
Committees: Assignments..... 14, 16, 18, 22, 47.
Standing—
Agriculture (Chairman)
Appropriations (Vice-Chairman)
Appropriations/Education—Base Budget—Education—Finance—Rules and Operation of the Senate—Ways and Means—Ways and Means/Transportation
Nomination of Sergeant-at-Arms (Seconds)..... 9.
Oath of Office..... 7.
Presence Recorded..... 198, 559, 784.
Votes Excused: HB 336..... 216.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor..... 131, 153, 220, 221, 287, 296, 297, 405, 484, 493, 494, 596, 600, 624, 668, 696.
Co-Sponsor..... 36, 63, 64, 117, 128, 130, 136, 151, 178, 206, 207, 323, 374, 393, 412, 415, 429, 430, 538, 539, 564, 570, 589, 592, 593, 597, 623, 643, 646, 653.
Wildlife—see also Natural and Economic Resources; Individual County
Wilkes County—District 27—Senator James H. Edwards
Senator Donald R. Kincaid
Ambulance Service
H 95 (Ch. 42)..... 85, 106, 110, 114.
Brushy Mountain Apple Festival Funds
S 81 (Appr Com/see S 313-Ch. 923)..... 65.
Old Wilkes Jail Museum Funds
S 115 (Appr Com)..... 83.
Willie M.—see Mental Health
Wills—see Estates
Wilson County—District 10—Senator Dallas L. Alford, Jr.
Commissioners Election
H 4 (Ch. 2)..... 27, 29.
Hosptial Lease Term
H 606 (Ch. 239)..... 288, 328, 338, 346.

Wilson County (continued)
Hunting from Roads
H 607 (Ch. 423) ..... 415, 487, 540, 548.
Industrial Property Sale
H 1402 (Ch. 748) ..... 718, 788, 801, 810.
Wine—see Alcoholic Beverage Control; Taxation
Winner, Dennis—Senator **Buncombe**, McDowell, Madison, Yancey—**28th District**
Absent With Leave..... 25, 28, 31, 154, 172, 177, 181, 198, 203, 339, 347, 398, 404, 410, 588.
Adjournment Motion..... 69, 251, 392, 764.
Certificate of Election..... 6.
Committees: Assignments..... 14, 16, 17, 18, 19, 218.
Standing—
Higher Education (Vice-Chairman)
Appropriations—Appropriations/General Government—Base Budget—Judiciary II—Judiciary II/Constitutional Amendments—Local Government and Regional Affairs Manufacturing, Labor and Commerce
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003
Conference—
SB 165 ..... 872, 895.
HB 255..... 681.
HB 683..... 611, 822.
HB 767..... 716, 813.
HB 775..... 891.
Oath of Office ..... 7.
Presence Recorded ..... 410.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 29, 68, 129, 181, 233, 235, 328, 332, 340, 341, 342, 372, 373, 466, 516, 548.
Co-Sponsor ..... 1, 36, 38, 39, 57, 69, 71, 76, 79, 108, 109, 111, 117, 123, 127, 130, 136, 144, 161, 177, 188, 206, 230, 253, 255, 259, 295, 315, 316, 317, 318, 320, 327, 329, 333, 344, 362, 363, 374, 376, 393, 404, 415, 430, 438, 479, 513, 514, 515, 517, 538, 542, 546, 547, 567, 570, 575, 588, 593, 597, 607, 608, 623, 643, 650, 653, 659.
Witness—see Civil/Criminal Procedure; Criminal Law
Women's Prison—see Prison
Woodard, Wilma C.—Senator Harnett, Lee, **Wake** (part)—**14th District**
Absent With Leave..... 107, 115, 142, 148, 154, 260, 264, 268, 481, 486, 494, 542, 635, 640.
Adjournment Motion..... 177, 559.
Certificate of Election..... 6.
Committees: Assignments..... 14, 18, 20, 21, 47, 218.
Standing—
State Government/Election Laws (Chairman)
Local Government and Regional Affairs (Vice-Chairman)
Appropriations—Appropriations/Human Resources—Base Budget—Judiciary III—Judiciary III/Law Enforcement and Criminal Justice—State Government
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003

Woodard, Wilma C.—Senator (continued)
Oath of Office ..... 7.
Presence Recorded ..... 272.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 84, 108, 109, 110, 150, 157, 177, 206, 237, 334, 345, 456, 457, 479, 537, 675.
Co-Sponsor ..... 1, 36, 38, 39, 71, 89, 90, 111, 117, 121, 126, 127, 129, 130, 136, 144, 154, 155, 161, 170, 173, 179, 212, 215, 216, 259, 279, 295, 302, 326, 327, 329, 341, 344, 374, 392, 393, 404, 413, 416, 422, 424, 429, 430, 438, 488, 513, 514, 515, 517, 549, 550, 552, 558, 564, 589, 591, 592, 597, 605, 609, 613, 614, 628, 643, 650, 651, 653, 663, 690.

Workers' Compensation
Apportionment Changes
S 471 (Mfg, L&C Com) ..... 377.
Attorneys Fee Limit
S 501 (J I Com) ..... 421.
Award Reviews
S 199 (Mfg L&C Com) ..... 169.
Court-Ordered Community Service Included
S 644 (H Rules Com) ..... 675, 800, 823.
Disability Waiting Period Leave Used
H 1108 (Ch. 599) ..... 552, 622, 633, 664.
Employer Pools
H 1306 (Ch. 728) ..... 717, 760, 773, 783.
Filing Extended
H 721 (Spec W&M Com) ..... 825.
Health/Death Benefits Extended
S 524 (Ch. 772) ..... 436, 621, 632, 637, 807, 824, 827.
Impaired Lung
S 197 (Mfg, L&C Com) ..... 169.
Industrial Commission
Commissioner Salaries
S 198 (reref Appr Com) ..... 169, 425.
Deputy Commissioners Salaries
S 200 (reref Appr Com) ..... 169, 425.
Rulemaking
H 1245 (Rules Com) ..... 651.
Secretary of Commerce Independency
H 722 (Mfg, L&C Com) ..... 429.
Injuries Definition Expanded
S 327 (Mfg, L&C Com) ..... 254.
H 368 (Ch. 833) ..... 400, 427, 849, 870.
Rate Deviations/Employers' Liability Insurance
H 166 (Ch. 162) ..... 170, 253, 262, 267.
Security Fund
H 1197 (Ch. 628) ..... 630, 659, 671, 679.
Subrogation Division
H 911 (Ch. 645) ..... 582, 647, 670, 705.
Ten-Worker Farms Applicable
H 1261 (Spec W&M Com) ..... 842.
"Workfare"—see Social Services

Wright, J. A.—Senator **New Hanover,** Pender (part)—**7th District**
Absent With Leave.. 25, 27, 111, 115, 289, 339, 347, 381, 385, 555, 579, 714, 898.
Adjournment Motion.....94, 324.
Certificate of Election.....5.
Committees: Assignments.....16, 18, 19, 47, 218.
Standing—
Education—Finance—Judiciary II—Local Government and Regional Affairs—Natural and Economic Resources and Wildlife
Select—
Senate Bills 165, 445; House Bills 683, 723, 869, 1003
Oath of Office.....7.
Votes Excused: SB 340.....314.
HB 410.....314.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor.....53, 124, 125, 260, 261, 290, 359.
Co-Sponsor.....14, 21, 36, 42, 86, 87, 96, 103, 105, 106, 107, 109, 114, 117, 128, 129, 131, 133, 150, 157, 161, 189, 206, 219, 220, 221, 259, 265, 266, 268, 273, 283, 284, 295, 306, 309, 315, 316, 317, 318, 319, 321, 323, 368, 374, 393, 399, 413, 429, 430, 465, 471, 481, 513, 514, 515, 535, 537, 538, 597, 631, 643, 653.

Wright, Marion Allen—Honored
H 1289 (Res. 40).....694, 700, 712, 720.

—Y—

Yadkin County—District 26—Senator T. Cass Ballenger
Senator William W. Redman
Ambulance Service
H 95 (Ch. 42).....85, 106, 110, 114.
East End Boundaries Defined
H 467 (Ch. 157).....204, 241, 250, 258, 263.
Yancey County—District 28—Senator Robert S. Swain
Senator Dennis Winner
Yelton, Nathan Hunter—Honored
S 206 (Res. 7).....173, 198, 205, 210.
Youth—see Child Welfare; Judicial
Youthful Offender—see Prisons

—Z—

Zoning—see Local Government

JOURNAL

OF

THE SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA

EXTRA SESSION
AUGUST—1983

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OF
THE SENATE OF NORTH CAROLINA
1983 GENERAL ASSEMBLY
EXTRA SESSION — AUGUST 1983

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W. CRAIG LAWING, President Pro Tempore ..... Charlotte
KENNETH C. ROYALL, JR., Majority Leader ..... Durham
SYLVIA M. FINK, Principal Clerk ..... Raleigh
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GERDA B. PLEASANTS, Sergeant-at-Arms ..... Cary

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3	JOSEPH E. THOMAS	Vanceboro
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7	J. A. WRIGHT	Wilmington
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	WILLIAM W. STATON	Sanford
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	RUSSELL WALKER	Asheboro
17	ROBERT B. JORDAN III	Mt. Gilead
	AARON W. PLYLER	Monroe
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	BENJAMIN T. TISON	Charlotte
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	GEORGE W. MARION, JR.	Dobson
25	OLLIE HARRIS	Kings Mountain
	HELEN RHYNE MARVIN	Gastonia
	MARSHALL A. RAUCH	Gastonia
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	WILLIAM W. REDMAN, JR.	Statesville
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28	ROBERT S. SWAIN	Asheville
	DENNIS WINNER	Asheville
29	CHARLES W. HIPPS	Waynesville
	R. P. THOMAS	Hendersonville
30	DAVID RUSSELL PARNELL	Parkton
31	WILLIAM N. MARTIN	Greensboro
32	RACHEL G. GRAY	High Point

SENATE JOURNAL
EXTRA SESSION
AUGUST — 1983

FIRST DAY

SENATE CHAMBER,
Friday, August 26, 1983.

In accordance with law, as set forth in the Constitution of the State of North Carolina and pursuant to the Proclamation issued by the Governor on August 24, 1983, the Senate of the North Carolina General Assembly convenes in Extra Session at the hour of 10:00 A.M. in the Senate Chamber of the State Legislative Building in the City of Raleigh.

The Honorable James C. Green, Lieutenant Governor, calls the Senate to order.

The Lord's Prayer is offered in unison by the members of the Senate.

Led by the Lieutenant Governor, the Senators and guests remain standing and pledge their allegiance to the United States of America.

The President lays before the Senate the Proclamation by the Governor, James B. Hunt, Jr., issued August 24, 1983, as follows:

STATE OF NORTH CAROLINA

James B. Hunt, Jr.
Governor

PROCLAMATION BY THE GOVERNOR
EXTRA SESSION OF THE GENERAL ASSEMBLY
August 24, 1983

WHEREAS, Article III, Section 5(7) of the Constitution of North Carolina authorizes the Governor on extraordinary occasions to convene the General Assembly in Extra Session; and

WHEREAS, I have convened a meeting of the Council of State to seek their advice on convening an Extra Session of the General Assembly; and

WHEREAS, I have determined it is in the best interest of the State of North Carolina that an Extra Session of the General Assembly be convened as soon as it is practicable;

NOW, THEREFORE, I, James B. Hunt, Jr., Governor of the State of North Carolina, under and by virtue of the authority vested in me by Article III, Section 5(7) of the Constitution of North Carolina, do, by and with the advice of the Council of State, proclaim that the General Assembly of North Carolina shall meet in Extra Session at Raleigh at 10:00 a.m., on Friday, August 26, 1983, for the following purposes:

(1) Considering and acting upon legislation to amend Chapter 759 of the Session Laws of 1983.

(2) Considering and acting upon legislation to amend Chapter 740 of the Session Laws of 1983.

I do hereby call upon, notify and direct all members of the General Assembly to meet in the City of Raleigh at 10:00 a.m., August 26, 1983, in such General Assembly as provided by the Constitution of North Carolina.

Done at our Capital at Raleigh, this the Twenty-fourth day of August, 1983.

(SEAL) S/ JAMES B. HUNT, JR.
Governor

The roll of the members of the Senate heretofore elected to the 1983 General Assembly, having properly received and subscribed to the oath of office, is called and the following answer the call:

Senators Alford, Allred, Allsbrook, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Tison, Walker, Warren, White, and Wright—45.

Leaves of absence are granted, without objection, to the following members: Senators Duncan, Ward, Winner, and Woodard.

The President announces a quorum present.

Senator Redman, arriving after the call of the roll, is recorded present.

ADOPTION OF RULES

Senator Lawing offers a motion that the Senate adopt the Permanent Rules of the 1983 Regular Session as amended by Senate Resolution 241 and the provisions contained in the Proclamation issued by the Governor on August 24, 1983, as the rules governing this Extra Session of the 1983 General Assembly convened this day, August 26, 1983, which motion prevails (electronically recorded).

COMMITTEE APPOINTMENTS

The President announces that the Standing and Select Committees of the Senate heretofore appointed during the 1983 General Assembly are hereby appointed to serve during this Extra Session of 1983.

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate is organized and ready to proceed with the public business of this Extra Session as stated in the Proclamation by the Governor. (See Appendix)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

HOUSE OF REPRESENTATIVES
August 26, 1983

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House of Representatives is organized and is ready to proceed with the public business.

Respectfully,
GRACE A. COLLINS
Principal Clerk

H. B. 1, a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives.
Referred to **Rules and Operation of the Senate Committee.**

STATEMENT BY PRESIDENT

The President quotes from a legal opinion as rendered by a member of the legislative staff to the Speaker of the House of Representatives relative to the restriction of subject matter for consideration by the General Assembly when convened in Extra Session under call of the Governor and directs, without objection, his remarks spread upon the Journal, as follows:

"When lawfully convened, whether in virtue of the provision of the constitution, or the Governor's proclamation, it is the 'General Assembly' of the state, in which the full and exclusive legislative authority of the state is vested. Where its business at such session, is not restricted by some constitutional provision, the General Assembly may enact any law at a special or extra session, that it might at a regular session. Its powers not being derived from the Governor's proclamation are not confined to the special purpose for which it may have been convened by him."

"... While the Constitution empowers the Governor to call extra sessions of the legislature, and defines his duty respecting the same, it does not authorize him to restrict or prohibit legislative action by proclamation or otherwise." (See Appendix)

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Lawing moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, without objection, which motion prevails.

By Senator Lawing:

S. B. 1, a bill to appoint persons to public office upon the recommendation of the President of the Senate.
Referred to **Rules and Operation of the Senate Committee.**

REPORT OF INTERIM COMMITTEE

Senator Swain, for the **Interim Senate Committee to Study H. B. 1143,** submits the following report (See Appendix):

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE SERVICES OFFICE
2129 STATE LEGISLATIVE BUILDING
RALEIGH 27611

August 25, 1983

The Honorable James C. Green
President of the Senate
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27611

Dear Governor Green:

This letter will serve as a report from the **Senate Committee to Study House Bill 1143.**

In accordance with your memorandum of August 18, 1983, the Committee met, both independently and in conjunction with the House Select Subcommittee. During these meetings all parties concerned were given ample opportunity to be heard.

As a result of those meetings the Committee concurred with the recommendation of the House Select Subcommittee that a special session of the General Assembly be called so that the attached bill can be taken up. Should the attached bill be passed by the House, the Committee recommends that the Senate also pass it.

Respectfully,
S/ ROBERT S. SWAIN
Chairman, Senate Committee

The text of the attached bill is as follows:

A bill to be entitled an act to clarify criminal discovery of oral statements of the defendant.

The General Assembly of North Carolina enacts:

Section 1. G. S. 15A-903(a) (2) is rewritten to read: "(2) To divulge, in written or recorded form, the substance of any oral statement relevant to the subject matter of the case made by the defendant, regardless of to whom the statement was made, within the possession, custody or control of the State, the existence of which is known to the prosecutor or becomes known to him prior to or during the course of trial; except that disclosure of such a statement is not required if it was made to an informant whose identity is a prosecution secret and who will not testify for the prosecution, and if the statement is not exculpatory. If the statement was made to a person other than a law enforcement officer and if the statement is then known to the State, the State must divulge the substance of the statement no later than 12 o'clock noon, on Wednesday prior to the beginning of the week during which the case is calendared for trial. If disclosure of the substance of defendant's oral statement to an informant whose identity is or was a prosecution secret is withheld, the informant must not testify for the prosecution at trial."

Sec. 2. G. S. 15A-908(a) is rewritten to read: "(a) Upon written motion of a party and a finding of good cause, which may include, but is not limited to a finding that there is a

substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment, the court may at any time order that discovery or inspection be denied, restricted, or deferred, or may make other appropriate orders."

Sec. 3. G. S. 15A-910 is amended by adding two new subdivisions to read:
"(3a) Declare a mistrial, or
(3b) Dismiss the charge, with or without prejudice, or".

Sec. 4. This act is effective upon ratification.

The Chair declares the Senate in recess for the purpose of a meeting of the **Rules and Operation of the Senate Committee.**

MORNING SESSION — 11:30 A.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills are reported from the standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. B. 1, a bill to appoint persons to public office upon the recommendation of the President of the Senate, with a favorable report.
On motion of Senator Lawing, the rules are suspended and the bill is placed before the Senate for immediate consideration.
The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 1, a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives, with a favorable report.
On the motion of Senator Lawing, the rules are suspended and the bill is placed before the Senate for immediate consideration.
The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 2, a bill to clarify criminal discovery of oral statements of the defendant.
Referred to **Special Ways and Means Committee.**

H. B. 3, a bill to provide for the printing of the Session Laws and Journals of the Extra Session of 1983.
On motion of Senator Lawing, the rules are suspended, and the bill is placed before the Senate for immediate consideration.
The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 4, a bill to strengthen laws regulating sales of alcoholic beverages.

Senator Harris of Cleveland offers a motion to suspend the rules and place the bill before the Senate for immediate consideration. Senator Royall offers a substitute motion that the bill be referred to **Special Ways and Means Committee,** which motion prevails.

H. B. 5, a bill to correct an error in an act relating to the Wilmington City Council.

On motion of Senator Wright, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

Senator Swain announces a meeting of the **Special Ways and Means Committee** upon recess, with a particular emphasis to attendance and participation by all members of the Senate.

The Chair declares the Senate in recess until 1:30 P.M.

AFTERNOON SESSION — 1:30 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills are reported from the standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Special Ways and Means Committee:**

H. B. 2, a bill to clarify criminal discovery of oral statements of the defendant, with a favorable report.

On motion of Senator Swain, the rules are suspended and the bill is placed before the Senate for immediate consideration, and without objection, is temporarily displaced.

H. B. 4, a bill to strengthen laws regulating sales of alcoholic beverages, with a favorable report.

On motion of Senator Swain, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 6, a joint resolution adjourning the 1983 Extra Session *sine die.*

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

CALENDAR (continued)

H. B. 2, a bill to clarify criminal discovery of oral statements of the defendant, temporarily displaced earlier is placed before the Senate for further consideration.

Senator Kincaid offers Amendment No. 1. Senator Royall, seconded by Senator Swain, offers a motion that Amendment No. 1 do lie upon the table which motion prevails (electronically recorded). Amendment No. 1 lies upon the table.

Senator Edwards of Caldwell is recognized to debate the bill, and on motion of Senator Jenkins his remarks are spread upon the Journal, as follows:

"Mr. President, Members of the Senate, because from time to time, you and I are exposed to rhetoric — we're exposed to statements made by our colleagues — because we are — from time to time read articles in the newspaper, I think it is only fair that I take a moment or two of your time to explain some of the things that have gone on.

"I admit and although they admit it too — that some of the people who voted on **H. B. 1143** did not know what they were voting on, but that was not our fault. I say to you, that was not *our* fault. That is individual. But because the papers say, and I quote, not completely verbatim, but 'suspicious speed with which this legislation was brought about.' The fact that it was referred to a committee, and reported out, and given three readings all in one day. For you who do not serve on the **Special Ways & Means Committee,** I think I owe you an explanation on behalf of our good Chairman, Senator Swain. If you will go and check the records, as I have indicated to some of them, you might find that the records do not within themselves say exactly what happened. But if you will check the record and follow with me, I think I can give you an explanation as to how this bill was handled in the Senate. And because of the connotations that it was done for someone's benefit or by some method other than ethical, I think you ought to listen.

"The bill came out of the House of Representatives on July the seventh. If you check your calendar that is a Thursday. On Friday, while the **Special Ways and Means Committee** was in session, our Chairman said to us, we have several bills that *will be coming* to us. We ought to, at least, familiarize ourselves with them and this bill, **H. B. 1143,** was brought up. Remember now, I'm saying on Friday, the ninth. One of the members of our Committee said he had gotten a call from one of his District Attorney's about some concern of it. And we decided at that meeting, that it would be the better part of valor for the people of the State of North Carolina if we did nothing on that bill until the following Monday, giving us a chance to see if there was any problems with the bill over the weekend.

"We came back on Monday, and in the sessions we had, our Chairman kept going through each one of the bills and this bill was brought up each time. No questions — nobody had heard anything from anyone — in our group including people who later came to say that they were concerned about the bill. That was on Monday.

"On Tuesday, I believe we met four times, and during that four times the bill was brought up each time and the last time they said, we have nothing else on it. It was explained again. Said, well, it's a good bill. We might as well pass it out of Committee.

"Ladies and Gentlemen, this bill was not rushed through any committee. It was not sent through in one day and I have told the news media this before but because they come and look at a stamp, they say, 'Oh, yes, it did.' Then some of our Senators say it was rushed through and some of them say we didn't know what we were voting on. I remind you that those of you who do not know what you were voting on, there was no other committees going on at that time and you could have very easily — if you had done what most of them did, come and sit in that Committee and listen. It was at that time that this writer, and again I am referring to the newspaper, this person made an amendment. I made the amendment to change the ratification date from 'October 1' to 'upon ratification.' My statement was that if it was a good bill, it was a good bill now and not later. Why should I or anyone else who would be a defendant have to be tried under one set of laws, while we were waiting for thirty or sixty days so someone could be tried under another one.

"I'm real pleased — I want to compliment the House Committee and the Senate Committee and the compromise they made because they did not change the effective date. So the innuendo that it was done for someone or for some purpose is rather ludicrous as far as I am concerned and does not, under any set of circumstances cover the factual situation.

"I take this time, Mr. President, because I think it's important. When I look at the news media and I look at what is written and what I hear people say that they ought to know the true picture. This bill came to our Committee on Friday, we held it over to Monday, we carried it until Tuesday, and we voted it out of that Committee on Tuesday. I doubt that there is many more bills that come through that has had that kind of scrutiny. Nobody came to our Committee and spoke against it. There were members, again, who now say they are against it, who were there and did not speak against it. Mr. President, in your behalf, I want to say that you never contacted me or as far as I know anyone about this bill at all. The innuendo that someone had done something for some purpose is the worst and most scandalous thing that I can think of. I think the compromise, although I in the Committee worried about some words that's in it — the compromise may be a more workable item, I do not know. But we in that Committee, attempted to do the very thing that our forefathers come to this country for, that is to have equity — equity in our law enforcement, equity in our judicial system and equity to all of our people, commenced on a program that we are innocent until we are found guilty and that we are entitled to face our accusers.

"I apologize for taking your time, but I think the record should be set straight. I think if anyone wants to check with the other members of the Committee, you will find this is true."

The bill passes its second (electroncially recorded) and third readings and is ordered enrolled.

The Chair declares the Senate in recess to await the bills and resolution for ratification.

AFTERNOON SESSION — 3:04 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 1, an act to appoint persons to public office upon the recommendation of the President of the Senate. (Ch. 1)

H. B. 1, an act to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives. (Ch. 2)

H. B. 3, an act to provide for the printing of the Session Laws and Journals of the Extra Session of 1983. (Ch. 3)

H. B. 5, an act to correct an error in an act relating to the Wilmington City Council. (Ch. 4)

H. B. 4, an act to strengthen laws regulating sales of alcoholic beverages. (Ch. 5)

H. B. 2, an act to clarify criminal discovery of oral statements of the defendant. (Ch. 6)

H. J. R. 6, a joint resolution adjourning the 1983 Extra Session *sine die.* (Res. 1)

The President orders a message sent to the House of Representatives informing that Honorable Body that the Senate has completed the business for which it was convened by the Proclamation by the Governor and stands ready to adjourn this Extra Session of the 1983 General Assembly, *sine die.*

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
August 26, 1983

Mr. President:

You are respectfully advised that in accordance with House Joint Resolution 6, A JOINT RESOLUTION ADJOURNING THE 1983 EXTRA SESSION, SINE DIE, the business of the House of Representatives for the First Extra Session of the 1983 General Assembly has been concluded and that this Body will be ready to open the doors of the House immediately upon receipt of information from your Honorable Body that you are ready to open your doors, that the gavels may fall simultaneously and adjournment may be declared *sine die.*

Respectfully,
GRACE A. COLLINS
Principal Clerk

Pursuant to the message that the House of Representatives has concluded the business before it and having notified that Body that the Senate has completed the business before it, the President of the Senate declares that the Senate stands ready for adjournment, *sine die.*

Senator Lawing, seconded by Senator Royall, offers a motion that the Senate of the 1983 General Assembly meeting in Extra Session under call of the Governor, do now adjourn, *sine die,* which motion prevails.

The hour for adjournment *sine die* fixed by Resolution 1 having arrived, the President orders the doors of the Senate thrown open and the Speaker of the House of Representatives is perceived standing ready to let the gavel fall.

The President of the Senate, James C. Green, declares the Senate of the 1983 General Assembly meeting in Extra Session under call of the Governor adjourned, *sine die.*

JAMES C. GREEN
President of the Senate

SYLVIA M. FINK
Principal Clerk of the Senate

August 26, 1983

EXTRA SESSION 1983

APPENDIX

CHAPTER 759
HOUSE BILL 1143

AN ACT TO PROVIDE FAIR DISCOVERY TO DEFENDANTS IN CRIMINAL PROSECUTIONS.

The General Assembly of North Carolina enacts:

Section 1. G. S. 15A-903(d) is amended by inserting between the phrase "mechanical or electronic recordings" and the phrase "tangible objects" the phrase "buildings and places, or any other crime scene,".

Sec. 2. G. S. 15A-903 is amended by adding two new subsections to read:

"(f) Statements of State's Witnesses.

(1) In any criminal prosecution brought by the State, no statement or report in the possession of the State that was made by a State witness or prospective State witness, other than the defendant, shall be the subject of subpoena, discovery, or inspection until that witness has testified on direct examination in the trial of the case.

(2) After a witness called by the State has testified on direct examination, the court shall, on motion of the defendant, order the State to produce any statement of the witness in the possession of the State that relates to the subject matter as to which the witness has testified. If the entire contents of that statement relate to the subject matter of the testimony of the witness, the court shall order it to be delivered directly to the defendant for his examination and use.

(3) If the State claims that any statement ordered to be produced under this section contains matter that does not relate to the subject matter of the testimony of the witness, the court shall order the State to deliver that statement for the inspection of the court *in camera*. Upon delivery the court shall excise the portions of the statement that do not relate to the subject matter of the testimony of the witness. With that material excised, the court shall then direct delivery of the statement to the defendant for his use. If, pursuant to this procedure, any portion of the statement is withheld from the defendant and the defendant objects to the withholding, and if the trial results in the conviction of the defendant, the entire text of the statement shall be preserved by the State and, in the event the defendant appeals, shall be made available to the appellate court for the purpose of determining the correctness of the ruling of the trial judge. Whenever any statement is delivered to a defendant pursuant to this subsection, the court, upon application of the defendant, may recess proceedings in the trial for a period of time that it determines is reasonably required for the examination of the statement by the defendant and his preparation for its use in the trial.

(4) If the State elects not to comply with an order of the court under subdivision (2) or (3) to deliver a statement to the defendant, the court shall strike from the record the testimony of the witness, and direct the jury to disregard the testimony, and the trial shall proceed unless the court determines that the interests of justice require that a mistrial be declared.

(5) The term 'statement', as used in subdivision (2), (3), and (4) in relation to any witness called by the State means

a. a written statement made by the witness and signed or otherwise adopted or approved by him;

b. a stenographic, mechanical, electrical, or other recording, or a transcription thereof, that is a substantially verbatim recital or an oral statement made by the witness and recorded contemporaneously with the making of the oral statements."

Sec. 3. G. S. 15A-903(a) (2) is rewritten to read as follows:

"(2) To divulge, in written or recorded form, the substance of any oral statement made by the defendant, regardless of to whom the statement was made, within the possession, custody, or control of the State, the existence of which is known or by the exercise of due diligence may become known to the prosecutor."

Section 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of July, 1983.

S/ JAMES C. GREEN

JAMES C. GREEN
President of the Senate

S/ LISTON B. RAMSEY

LISTON B. RAMSEY
Speaker of the House of Representatives

CHAPTER 740
HOUSE BILL 315
AN ACT TO STRENGTHEN LAWS REGULATING SALES OF ALCOHOLIC BEVERAGES.

The General Assembly of North Carolina enacts:

Section 1. G. S. 18B-302(d) is rewritten to read:

"(d) Defense. It shall be a defense to a violation of subsection (a) of this section if the seller:

(1) Shows that the purchaser produced a driver's license, a special identification card issued under G. S. 20-37.7, a military identification card, or a passport, showing his age to be at least the required age for purchase and bearing a physical description of the person named on the card reasonably describing the purchaser; or

(2) produces evidence of other facts that reasonably indicated at the time of sale that the purchaser was at least the required age."

Sec. 2. G. S. 18B-302 is amended in the catchline by substituting the words "underage persons" for the word "minors".

Sec. 3. This act shall become effective October 1, 1983.

In the General Assembly read three times and ratified, this the 14th day of July, 1983.

S/ JAMES C. GREEN

JAMES C. GREEN
President of the Senate

S/ LISTON B. RAMSEY

LISTON B. RAMSEY
Speaker of the House of Representatives

STATE OF NORTH CAROLINA
Office of the Lieutenant Governor
Raleigh

August 18, 1983

MEMORANDUM

TO: Members of the Senate

FROM: James C. Green, President of the Senate
S/ J.C.G. BY W. CRAIG LAWING

As I am sure you are aware, a House committee composed of all lawyers in the House and chaired by Representative Allen Adams recently held a hearing on House Bill 1143. Both members of the North Carolina Academy of Trial Lawyers and local District Attorneys presented their views at this hearing, which was attended by several attorneys from the Senate.

In light of the Governor's desire to call a special session concerning this legislation, Senator Lawing and I feel there should be a study made also by members of the Senate. Therefore, I am herewith appointing a formal committee of the Senate as follows:

Swain, Chairman	Jenkins
Allsbrook	Johnson
Barnes, H.	Rand
Davis	Soles
Edwards, E.	Staton
Hancock	Tison
Hipps	Winner

This committee may meet in conjunction with the House committee, or independently, and report their findings and recommendations to the full Senate in the event a special session is called. Any interested lay member will be welcome to attend also.

For your information, the House committee is scheduled to meet on Wednesday, August 24, 10:00 a.m., Room 1228, State Legislative Building.

JCG:h
cc: The Honorable Liston Ramsey
The Honorable Al Adams
Mrs. Sylvia Fink, Principal Clerk of the Senate

STATE OF NORTH CAROLINA
Office of the Lieutenant Governor
Raleigh

August 19, 1983

MEMORANDUM

TO: Senator Robert S. Swain, Chairman
Committee To Study HB 1143

FROM: Lt. Governor Green
S/ J.C.G. BY W. CRAIG LAWING

Please add Senator William N. Martin to membership on the committee studying House

Bill 1143. Senator Martin's name was inadvertently omitted from the list of appointees in my memorandum of August 18.

JCG:h
cc: The Honorable William N. Martin
The Honorable Liston Ramsey
The Honorable Al Adams
Mrs. Sylvia Fink, Principal Clerk of the Senate

NORTH CAROLINA GENERAL ASSEMBLY
Legislative Services Office
2129 State Legislative Building
Raleigh 27611

August 22, 1983

MEMORANDUM

TO: Liston Ramsey
Speaker of the House

FROM: Gerry F. Cohen
Director of Legislative Drafting

SUBJECT: Agenda for Special Session

You have asked for my opinion as to whether the General Assembly may, in an extra session, consider matters other than those which the Governor listed in his proclamation as the purpose, or purposes, for which the General Assembly is convened.

My opinion is that the General Assembly may consider any matter it desires. Courts in two of the three states which have similar provisions as ours have so ruled.

Article III, Section 5(7) of the North Carolina Constitution states that "The Governor may, on extraordinary occasions, by and with the advice of the Council of State, convene the General Assembly in extra session *by his proclamation, stating therein the purpose or purposes for which they are thus convened.*" (emphasis added) No North Carolina case construes this provision.

Article II, Section 11(2) also allows the President of the Senate and the Speaker of the House of Representatives to convene the General Assembly in extra session by their joint proclamation, but does not say anything about the content of the proclamation.

It has been said that..."Where there is no constitutional restriction on the authority of a legislative body in special session, it may enact any law at such session that it might at a regular session (82 C.J.S. Statutes §10a), but where the "...constitution so provides the legislature at a special or extra session is restricted to the enactment of laws relating to matter or subjects specifically stated in the call or proclamation...[s]uch a constitutional limitation is mandatory...and a law enacted at a special or extra session on a subject not designated by the governor is void." (Id)

The problem with this analysis is that it generally applies to constitutional provisions "...such as that the chief executive may confine a legislature called in special session to such subjects of legislation as he may prescribe." (*Id* at §35)

The Constitutions of Connecticut, Delaware, Hawaii, Indiana, Kansas, Maine, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, North Dakota, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin and Wyoming allow the Governor to call special sessions but say nothing as to purpose.

On the other hand, the Constitution of Georgia states that "The Governor may convene the General Assembly in special session by proclamation... but no laws shall be enacted at any such special session except those which relate to the purposes stated in the proclamation..." (Art. 5, Sec. 2, Part 7). (Art. 3, Sec. 9). Similar constitutional provisions can be found in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas and Utah.

North Carolina is unique along with Iowa, Oregon and Washington in having provisions requiring the Governor to state the purpose of the extra session, but falling silent after that point, and the Supreme Courts of Iowa and Washington have construed the constitutional provisions not to restrict the legislative power of the General Assembly. There are no Oregon cases reported.

The Iowa constitutional provision, adopted in 1857 states that the Governor "...may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both houses, when assembled the purpose for which they shall have been convened."

The Oregon provision in Article V, Section 12 is identical with some minor punctuation changes. It was also adopted in 1857.

The Washington provision, adopted in 1889, states that the Governor "...may, on extraordinary occasions convene the legislature by proclamation, in which shall be stated the purposes for which the legislature is convened."

Again, the pertinent North Carolina provision states that the Governor may "...convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened."

The Iowa Supreme Court, in the case of *Morford v. Unger*, 8 Iowa 82 (1859) construed the provision as follows:

"When lawfully convened, whether in virtue of the provision of the constitution, or the Governor's proclamation, it is the 'General Assembly' of the state, in which the full and exclusive legislative authority of the state is vested. Where its business at such session, is not restricted by some constitutional provision, the General Assembly may enact any law at a special or extra session, that it might at a regular session. Its powers not being derived from the Governor's proclamation are not confined to the special purpose for which it may have been convened by him."

This is especially important because the North Carolina constitutional provision was adopted in 1868, just nine years after the Iowa opinion.

The Washington Supreme Court, in the case of *State v. Fair*, 76 P. 731 (1904) noted that:

"The appellant insists that '...the legislature, at its extra session, had no right to legislate upon any subject not mentioned in the Governor's proclamation...' The solution of this question depends upon the effect of the Constitution on the power of the legislature at its extra session. It seems to be assumed on behalf of the appellant that the provision of the Constitution...restricted legislative action to matters specifically designated by the Governor in his proclamation, and the following authorities are cited in support of this provision: Sutherland on Stat. Constr. §26.... It is true it was held in each of those cases that the particular statute or act in question was void because the legislation was inhibited by the express terms of the Constitution from passing. But in as much as our Constitution does not restrict the legislature at its extra session to the consideration of the particular business for which it was convened...the authorities relied upon by appellant are not

applicable to the case at bar... plenary power in the legislature... is the rule. A prohibition to exercise a particular power is an exception... it is for those who question its validity to show it is forbidden... While the Constitution empowers the Governor to call extra sessions of the legislature, and defines his duty respecting the same, it does not authorize him to restrict or prohibit legislative action by proclamation or otherwise."

One commentator has noted as to requirements that the Governor's proclamation state the purpose of the session that "the constitutional restrictions were inserted for the purpose of giving notice to the public that certain subjects would be placed before the legislature, so that the interested public could be present to discourage or support the contemplated legislation." (Sutherland Statutory Construction §5.04)

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INDEX

RATIFIED BILLS AND RESOLUTION

Session Laws

Chapter	Bill No.	Page
1	S 1	12.
2	H 1	12.
3	H 3	12.
4	H 5	12.
5	H 4	12.
6	H 2	12.

Resolution

Resolution	Res. No.	Page
1	H 6	13.

NUMERICAL INDEX

Senate

Bill/Resolution		Page
S 1	Appointments Recommended by President of Senate (Ch. 1)	7, 9, 12.

House of Representatives

H 1	Appointments Recommended by Speaker of House (Ch. 2)	7, 9, 12.
H 2	Criminal Discovery/Oral Statement (Ch. 6)	9, 10, 12.
H 3	Printing Session Laws/Journals—Extra Session (Ch. 3)	9, 12.
H 4	Alcoholic Beverage Sales Regulations (Ch. 5)	9, 10, 12.
H 5	Wilmington City Council—Correction (Ch. 4)	10, 12.
H 6	Adjournment Sine Die, Extra Session (Res. 1)	10, 13.

ALPHABETICAL INDEX

Absence, Leave of
Duncan, Senator Conrad ..... 6.
Ward, Senator Marvin ..... 6.
Winner, Senator Dennis ..... 6.
Woodard, Senator Wilma ..... 6.
Adjournment, Sine Die (H 6) (Res. 1) ..... 10, 13.
Alcoholic Beverages
Regulation of Sales (H 4) (Ch. 5) ..... 9, 10, 12.
Appendix ..... 15.
Appointments
President of the Senate Recommendations (S 1) (Ch. 1) ..... 7, 9, 12.
Speaker of the House Recommendations (H 1) (Ch. 2) ..... 7, 9, 12.
Convening ..... 5.
Criminal Law
Discovery/Oral Statements (H 2) (Ch. 6) ..... 9, 10, 12.
Edwards, James H.—Senator
Remarks Spread Upon Journal ..... 11.
General Assembly
House of Representatives
Appointments by Speaker—see **Appointments**
Business Concluded ..... 13.
Organized ..... 7.
Journals/Session Laws Printed (H 3) (Ch. 3) ..... 9, 12.
Senate
Business Concluded ..... 13.
Committees
Interim to Study H. B. 1143/Ch. 759 ..... 7, 18.
Standing/Select—Appointment/Meetings ..... 6, 9, 10.
Districts, Senatorial ..... 3.
Journal, Remarks Spread ..... 7, 11.
Officers ..... 3.
Organized ..... 6.
Pledge of Allegiance ..... 5.
Prayer by Membership ..... 5.
President—Lt. Governor James C. Green
Addresses Membership ..... 7.
Appointments—see **Appointments**
Presides ..... 5, 9, 10, 12.
Quorum ..... 6.
Recess ..... 9, 10, 12.
Rules ..... 6.
Green, James C.—Lieutenant Governor (President of the Senate)
see **General Assembly** (Senate President)

Lawing, W. Craig—Senator (Senate President Pro Tempore)
Adjournment Motion..... 13.
Primary Sponsor—SB 1..... 7.
New Hanover County—District 7—Senator J. A. Wright
Wilmington City Council (H 5) (Ch. 4)..... 10, 12.
Proclamation by Governor..... 5.
Report of Interim Committee on H. B. 1143..... 7.
Royall, Kenneth C., Jr.,—Senator (Majority Leader)
Adjournment Motion..... 13.
Session Laws/Journals Printed (H 3) (Ch. 3)..... 9, 12.

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